

EPA-R5-2016-006046-1

"Watson, John W"  
<John.Watson@bakermckenzie.com>

04/02/2012 02:55 PM

To Janet Pellegrini

cc Kasey Barton

bcc

Subject FW: Peabody Midwest Mining - Bear Run - EPA 308 Request of March 22, 2012

[This time with Janet's correct email address.](#)

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Watson, John W  
**Sent:** Monday, April 02, 2012 2:51 PM  
**To:** barton.kasey@epa.gov  
**Cc:** Frontczak, Mary; pelligrini.janet@epa.gov  
**Subject:** Peabody Midwest Mining - Bear Run - EPA 308 Request of March 22, 2012

[Kasey,](#)

[See the attached letter providing an initial response to the latest 308 request for Peabody Midwest Mining's Bear Run site. I look forward to your response on dates for a meeting. Please call me if you wish to discuss. Thank you.](#)

John W. Watson  
Partner

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Please note my new email address.

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Chicago, IL 60601, USA

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this message. EPA Ltr re Peabody Midwest.pdf

EPA-R5-2016-006046-2

**Kasey Barton /R5/USEPA/US**

04/02/2012 02:59 PM

To "Watson, John W"

cc

bcc

Subject Re: FW: Peabody Midwest Mining - Bear Run - EPA 308  
Request of March 22, 2012

Thank you. We will be in touch with proposed meeting times shortly .

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

This time with Janet's correct email...

04/02/2012 02:55:47 PM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA  
Cc: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/02/2012 02:55 PM  
Subject: FW: Peabody Midwest Mining - Bear Run - EPA 308 Request of March 22, 2012

[This time with Janet's correct email address.](#)

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
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**To:** barton.kasey@epa.gov  
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EPA-R5-2016-006046-3

**Kasey Barton /R5/USEPA/US**

04/02/2012 03:03 PM

To Janet Pellegrini, Kevin Pierard, Randa Bishlawi

cc

bcc

Subject Fw: Peabody Midwest Mining - Bear Run - EPA 308 Request of March 22, 2012

Peabody has requested a meeting to discuss the 308 request, please see the attachment below. How does this Wednesday or Thursday look for everyone? Please let me know your availability.

Thanks,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/02/2012 03:00 PM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Cc: "Frontczak, Mary" <MFrontczak@peabodyenergy.com>, <pellegrini.janet@epa.gov>  
Date: 04/02/2012 02:51 PM  
Subject: Peabody Midwest Mining - Bear Run - EPA 308 Request of March 22, 2012

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this message. EPA Ltr re Peabody Midwest.pdf

EPA-R5-2016-006046-4

**Kasey Barton /R5/USEPA/US**

04/02/2012 03:34 PM

To "Watson, John W"

cc Janet Pellegrini

bcc

Subject Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

Hi John,

Janet Pellegrini is not available this week. How does the afternoon of Monday April 9th look for you and your client?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

This email will document our conver...

11/16/2011 11:51:49 AM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 11/16/2011 11:51 AM  
Subject: Peabody Midwest Mining, LLC - EPA Section 308 Request

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EPA-R5-2016-006046-5

**Kasey Barton /R5/USEPA/US**

04/02/2012 03:34 PM

To "Watson, John W"

cc Janet Pellegrini

bcc

Subject Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

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To: Kasey Barton/R5/USEPA/US@EPA  
Date: 11/16/2011 11:51 AM  
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[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

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EPA-R5-2016-006046-6

"Watson, John W"  
<[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

04/02/2012 04:17 PM

To Kasey Barton  
cc Janet Pellegrini  
bcc  
Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

I am out on the 12th, but will check availability for the 11th. We are interested in an in-person meeting to discuss this matter and assume you can accommodate that on the 11th?

John W. Watson  
Partner

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[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [mailto:[Barton.Kasey@epamail.epa.gov](mailto:Barton.Kasey@epamail.epa.gov)]  
**Sent:** Monday, April 02, 2012 4:11 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

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Thanks!

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/02/2012 04:09 PM -----

From: Kasey Barton/R5/USEPA/US

To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/02/2012 03:34 PM  
Subject: Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

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EPA-R5-2016-006046-7

**Kasey Barton /R5/USEPA/US**

04/02/2012 04:30 PM

To "Watson, John W"

cc Janet Pellegrini

bcc

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Thanks. While we don't typically have in-person meetings relating to questions or concerns with information requests, we can accommodate one if there is some reason that you feel it is helpful in this instance.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

I am out on the 12th, but will check...

04/02/2012 04:17:16 PM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/02/2012 04:17 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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**Sent:** Monday, April 02, 2012 4:11 PM  
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**Cc:** Janet Pellegrini  
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To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/02/2012 03:34 PM  
Subject: Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Phone: (312) 886-7163

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Date: 11/16/2011 11:51 AM  
Subject: Peabody Midwest Mining, LLC - EPA Section 308 Request

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EPA-R5-2016-006046-8

**Kasey Barton /R5/USEPA/US**

04/02/2012 04:30 PM

To "Watson, John W"

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EPA-R5-2016-006046-9

"Watson, John W"  
<John.Watson@bakermckenzie.com>

04/03/2012 10:34 AM

To Kasey Barton

cc

bcc

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Unfortunately, the Peabody team is not available on the 11th or 12th. Can you throw out three more dates for us to choose from and we will make sure to make one work.

On the need for a face to face meeting, I am sure you appreciate that the March 22nd letter is no ordinary Agency request for information, but rather a demand for extensive sampling and study imposing significant resource and cost burdens on the Company. We need to better understand the Agency's response to our initial production and the bases for this subsequent request before we can proceed with any additional effort.

We are nonetheless eager to facilitate this discussion towards a productive resolution of this matter. Please provide a few more options and we will get a date on the calendar. Thank you.

John W. Watson  
Partner

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Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]  
**Sent:** Monday, April 02, 2012 4:11 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

Sorry to do this, but it looks like Wednesday 4/11 or Thursday 4/12 works better for us. Do you have some time for a call on one of those days? Please let us know your availability.

Thanks!

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604

Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/02/2012 04:09 PM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/02/2012 03:34 PM  
Subject: Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Hi John,

Janet Pellegrini is not available this week. How does the afternoon of Monday April 9th look for you and your client?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 11/16/2011 11:51 AM  
Subject: Peabody Midwest Mining, LLC - EPA Section 308 Request

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John W. Watson  
Partner  
Baker & McKenzie LLP  
One Prudential Plaza  
130 E. Randolph Street, Suite 3700  
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---

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Chicago, IL 60601, USA

Telephone and fax numbers will not change.

---



EPA-R5-2016-006046-10

**Kasey Barton /R5/USEPA/US**

04/03/2012 03:47 PM

To "Watson, John W"

cc Janet Pellegrini

bcc

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

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Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

Unfortunately, the Peabody team is...

04/03/2012 10:34:58 AM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/03/2012 10:34 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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---

EPA-R5-2016-006046-11

"Watson, John W"  
<[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

04/04/2012 06:04 PM

To Kasey Barton  
cc Janet Pellegrini  
bcc  
Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Peabody is available for a meeting on April 16th. I would propose 1 pm. Please confirm that the time works for you. Thank you.

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**From:** Kasey Barton [mailto:[Barton.Kasey@epamail.epa.gov](mailto:Barton.Kasey@epamail.epa.gov)]  
**Sent:** Tuesday, April 03, 2012 3:48 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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**Sent:** Monday, April 02, 2012 4:11 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Cc: Janet Pellegrini/R5/USEPA/US@EPA  
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Subject: Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Date: 11/16/2011 11:51 AM  
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Chicago, IL 60601, USA



Telephone and fax numbers will not change.

---

---

EPA-R5-2016-006046-12

"Watson, John W"  
<John.Watson@bakermckenzie.com>

04/06/2012 08:05 AM

To Kasey Barton

cc

bcc

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Thanks Kasey. Sorry to do this to you, but is there any way we can do the meeting in the morning instead of 1 pm. A 9 am or 10 am start is preferable. Let me know. I promise there will be no more requests. Thank you.

John W. Watson  
Partner

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Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]  
**Sent:** Thursday, April 05, 2012 10:12 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Hi John,

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Please send us a list of your attendees when you have it.

We look forward to working with you on this matter.

Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 04/04/2012 06:08 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
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To: Kasey Barton/R5/USEPA/US@EPA  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/04/2012 06:04 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Chicago, IL 60604

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To: Kasey Barton/R5/USEPA/US@EPA

Date: 04/03/2012 10:34 AM

Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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**To:** Watson, John W  
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---

EPA-R5-2016-006046-13

"Watson, John W"  
<John.Watson@bakermckenzie.com>

04/10/2012 10:18 AM

To Kasey Barton

cc

bcc

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Thanks for accommodating our schedules. We look forward to a productive discussion on Monday.

John W. Watson  
Partner  
Baker & McKenzie LLP  
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[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

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**Sent:** Tuesday, April 10, 2012 10:13 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

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See you then.

Kasey Barton  
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**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Tuesday, April 03, 2012 3:48 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

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From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/03/2012 10:34 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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**Subject:** Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

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EPA-R5-2016-006046-14

"Watson, John W"  
<John.Watson@bakermckenzie.com>

04/10/2012 10:27 AM

To Kasey Barton

cc

bcc

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/06/2012 08:05 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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**Sent:** Thursday, April 05, 2012 10:12 AM  
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**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)



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Chicago, IL 60604  
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From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 04/04/2012 06:08 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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To: Kasey Barton/R5/USEPA/US@EPA  
Date: 11/16/2011 11:51 AM  
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EPA-R5-2016-006046-15

**Kasey Barton /R5/USEPA/US**

04/10/2012 10:35 AM

To "Watson, John W"

cc

bcc

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Thank you. Our list of attendees are: myself, Janet Pellegrini, Patrick Kuefler, Kevin Pierard, and Randa Bishlawi. Janet, Patrick and Kevin work in the Water Division, and Randa is a Section Chief in the Office of Regional Counsel. This list is subject to change.

If you could please provide us with your questions and concerns in advance of the meeting, it would be very helpful for a productive discussion.

Thanks,

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"Watson, John W"

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EPA-R5-2016-006046-16

"Watson, John W"  
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04/10/2012 10:35 AM

To Kasey Barton

cc

bcc

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Thanks,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/10/2012 10:18 AM

Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thanks for accommodating our schedules. We look forward to a productive discussion on Monday.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Tuesday, April 10, 2012 10:13 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

We are confirmed for Monday April 16 at our offices at 10 am. The meeting will be on the 14th floor, in room 1416.

See you then.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/06/2012 08:05 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thanks Kasey. Sorry to do this to you, but is there any way we can do the meeting in the morning instead of 1 pm. A 9 am or 10 am start is preferable. Let me know. I promise there will be no more requests. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Thursday, April 05, 2012 10:12 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Hi John,

We are confirmed for Monday, April 16th at 1 pm, at our offices. Please come to the 14th floor after you arrive. The meeting will be in Room 1416.

Please send us a list of your attendees when you have it.

We look forward to working with you on this matter.

Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163



From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 04/04/2012 06:08 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thank you. Let me confirm that time and get back to you.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/04/2012 06:04 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Peabody is available for a meeting on April 16th. I would propose 1 pm. Please confirm that the time works for you. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646

Cell:+1 312 848 9474

Fax: +1 312 698 2969

[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]

**Sent:** Tuesday, April 03, 2012 3:48 PM

**To:** Watson, John W

**Cc:** Janet Pellegrini

**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

How does Monday April 16th look for you? Any in-person meeting should not be held later than that date. If the Peabody team cannot make the trip, we could hold the meeting via video-conference if you have that capability.

We are open to having a discussion to provide additional information and work through any issues or concerns. However, please be advised that compliance with our request is not contingent on having an in-person meeting, and does not change any deadlines within the request.

Sincerely,

Kasey Barton

Assistant Regional Counsel

US EPA Region 5 (C-14J)

77 W. Jackson Blvd.

Chicago, IL 60604

Phone: (312) 886-7163

---

From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

To: Kasey Barton/R5/USEPA/US@EPA

Date: 04/03/2012 10:34 AM

Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Unfortunately, the Peabody team is not available on the 11th or 12th. Can you throw out three more dates for us to choose from and we will make sure to make one work.

On the need for a face to face meeting, I am sure you appreciate that the March 22nd letter is no ordinary

Agency request for information, but rather a demand for extensive sampling and study imposing significant resource and cost burdens on the Company. We need to better understand the Agency's response to our initial production and the bases for this subsequent request before we can proceed with any additional effort.

We are nonetheless eager to facilitate this discussion towards a productive resolution of this matter. Please provide a few more options and we will get a date on the calendar. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
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Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Monday, April 02, 2012 4:11 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

Sorry to do this, but it looks like Wednesday 4/11 or Thursday 4/12 works better for us. Do you have some time for a call on one of those days? Please let us know your availability.

Thanks!

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/02/2012 04:09 PM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>  
Cc: Janet Pellegrini/R5/USEPA/US@EPA

Date: 04/02/2012 03:34 PM  
Subject: Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Hi John,

Janet Pellegrini is not available this week . How does the afternoon of Monday April 9th look for you and your client?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 11/16/2011 11:51 AM  
Subject: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

This email will document our conversation of yesterday wherein U.S. EPA has agreed to provide Peabody Midwest Mining, LLC ("Peabody") an extension of time up through January 20, 2012 to respond to the Section 308 Request for Information from the Agency, dated October 12, 2011. This will confirm Peabody's agreement to provide a response on or before the January 20th deadline. Please let me know if you have any further questions or otherwise believe that this email does not properly reflect our discussions and understandings. Thank you for your cooperation with respect to this matter.

John W. Watson  
Partner  
Baker & McKenzie LLP  
One Prudential Plaza  
130 E. Randolph Street, Suite 3700  
Chicago, Illinois 60601  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

Pursuant to requirements related to practice before the Internal Revenue Service, any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for the purposes of (i) avoiding penalties imposed under the United States Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message. Please visit [www.bakermckenzie.com/disclaimers](http://www.bakermckenzie.com/disclaimers) for other important information concerning this message.

---

**Effective January 17, 2012, Baker & McKenzie's Chicago office will be located at:**

300 East Randolph Street, Suite 5000  
Chicago, IL 60601, USA

Telephone and fax numbers will not change.

---

EPA-R5-2016-006046-17

**Kasey Barton /R5/USEPA/US**

04/10/2012 10:36 AM

To "Watson, John W"

cc

bcc

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Thank you, I appreciate it.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

Yes, we were thinking the same wa...

04/10/2012 10:36:03 AM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/10/2012 10:36 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Yes, we were thinking the same way. I already sent you a response on attendees. I will circulate an agenda in advance of Monday. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
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Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]  
**Sent:** Tuesday, April 10, 2012 10:30 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Could you please provide us with a list of your attendees before our meeting? It would also be helpful if you could provide us with the questions and concerns you have with respect to the request, so that we can make the best use of our time.

Thanks,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
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To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/10/2012 10:18 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Thanks for accommodating our schedules. We look forward to a productive discussion on Monday.

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**Sent:** Tuesday, April 10, 2012 10:13 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

We are confirmed for Monday April 16 at our offices at 10 am. The meeting will be on the 14th floor, in room 1416.

See you then.

Kasey Barton  
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Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/06/2012 08:05 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Thanks Kasey. Sorry to do this to you, but is there any way we can do the meeting in the morning instead of 1 pm. A 9 am or 10 am start is preferable. Let me know. I promise there will be no more requests. Thank you.

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Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

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**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Thursday, April 05, 2012 10:12 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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To: Kasey Barton/R5/USEPA/US@EPA  
Cc: Janet Pellegrini/R5/USEPA/US@EPA

Date: 04/04/2012 06:04 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Partner

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**Cc:** Janet Pellegrini  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/03/2012 10:34 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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We are nonetheless eager to facilitate this discussion towards a productive resolution of this matter. Please provide a few more options and we will get a date on the calendar. Thank you.

John W. Watson  
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[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

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**Sent:** Monday, April 02, 2012 4:11 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

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Thanks!

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/02/2012 04:09 PM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/02/2012 03:34 PM  
Subject: Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Hi John,

Janet Pellegrini is not available this week. How does the afternoon of Monday April 9th look for you and your client?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 11/16/2011 11:51 AM  
Subject: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

This email will document our conversation of yesterday wherein U.S. EPA has agreed to provide Peabody Midwest Mining, LLC ("Peabody") an extension of time up through January 20, 2012 to respond to the Section 308 Request for Information from the Agency, dated October 12, 2011. This will confirm Peabody's agreement to provide a response on or before the January 20th deadline. Please let me know

if you have any further questions or otherwise believe that this email does not properly reflect our discussions and understandings. Thank you for your cooperation with respect to this matter.

John W. Watson  
Partner  
Baker & McKenzie LLP  
One Prudential Plaza  
130 E. Randolph Street, Suite 3700  
Chicago, Illinois 60601  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

Pursuant to requirements related to practice before the Internal Revenue Service, any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for the purposes of (i) avoiding penalties imposed under the United States Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message. Please visit [www.bakermckenzie.com/disclaimers](http://www.bakermckenzie.com/disclaimers) for other important information concerning this message.

---

**Effective January 17, 2012, Baker & McKenzie's Chicago office will be located at:**

300 East Randolph Street, Suite 5000  
Chicago, IL 60601, USA

Telephone and fax numbers will not change.

---

EPA-R5-2016-006046-18

"Watson, John W"  
<John.Watson@bakermckenzie.com>

04/12/2012 04:33 PM

To Kasey Barton

cc

bcc

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

I will send a draft agenda in the morning.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601  
(w) 312-861-2646  
(c) 312-848-9474  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

---

**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]  
**Sent:** Thursday, April 12, 2012 4:31 PM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Hi John,

I wanted to check in with you regarding the status of Peabody's proposed agenda, including the specific concerns and questions about the request. When will you be able to send it to us?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

---

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/10/2012 10:36 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Yes, we were thinking the same way. I already sent you a response on attendees. I will circulate an agenda in advance of Monday. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
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Our offices have moved. Please note our new address.

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**Sent:** Tuesday, April 10, 2012 10:30 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Thanks,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
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Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Kasey Barton  
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US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
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To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/06/2012 08:05 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request



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John W. Watson  
Partner

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[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

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**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Thursday, April 05, 2012 10:12 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

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Phone: (312) 886-7163

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 04/04/2012 06:08 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thank you. Let me confirm that time and get back to you.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/04/2012 06:04 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Peabody is available for a meeting on April 16th. I would propose 1 pm. Please confirm that the time works for you. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Tuesday, April 03, 2012 3:48 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

How does Monday April 16th look for you? Any in-person meeting should not be held later than that date. If the Peabody team cannot make the trip, we could hold the meeting via video-conference if you have that capability.

We are open to having a discussion to provide additional information and work through any issues or concerns. However, please be advised that compliance with our request is not contingent on having an in-person meeting, and does not change any deadlines within the request.

Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

---

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/03/2012 10:34 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Unfortunately, the Peabody team is not available on the 11th or 12th. Can you throw out three more dates for us to choose from and we will make sure to make one work.

On the need for a face to face meeting, I am sure you appreciate that the March 22nd letter is no ordinary Agency request for information, but rather a demand for extensive sampling and study imposing significant resource and cost burdens on the Company. We need to better understand the Agency's response to our initial production and the bases for this subsequent request before we can proceed with any additional effort.

We are nonetheless eager to facilitate this discussion towards a productive resolution of this matter. Please provide a few more options and we will get a date on the calendar. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Monday, April 02, 2012 4:11 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

Sorry to do this, but it looks like Wednesday 4/11 or Thursday 4/12 works better for us. Do you have some time for a call on one of those days? Please let us know your availability.

Thanks!

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/02/2012 04:09 PM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/02/2012 03:34 PM  
Subject: Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Hi John,

Janet Pellegrini is not available this week . How does the afternoon of Monday April 9th look for you and your client?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 11/16/2011 11:51 AM  
Subject: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

This email will document our conversation of yesterday wherein U.S. EPA has agreed to provide Peabody Midwest Mining, LLC ("Peabody") an extension of time up through January 20, 2012 to respond to the Section 308 Request for Information from the Agency, dated October 12, 2011. This will confirm Peabody's agreement to provide a response on or before the January 20th deadline. Please let me know if you have any further questions or otherwise believe that this email does not properly reflect our discussions and understandings. Thank you for your cooperation with respect to this matter.

John W. Watson  
Partner  
Baker & McKenzie LLP  
One Prudential Plaza  
130 E. Randolph Street, Suite 3700  
Chicago, Illinois 60601  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

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Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

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---

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Chicago, IL 60601, USA

Telephone and fax numbers will not change.

---

---

EPA-R5-2016-006046-19

**Kasey Barton /R5/USEPA/US**

04/12/2012 04:34 PM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Thank you.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

I will send a draft agenda in the mor...

04/12/2012 04:33:21 PM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/12/2012 04:33 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

I will send a draft agenda in the morning.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601  
(w) 312-861-2646  
(c) 312-848-9474  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

---

**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]  
**Sent:** Thursday, April 12, 2012 4:31 PM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Hi John,

I wanted to check in with you regarding the status of Peabody's proposed agenda, including the specific concerns and questions about the request. When will you be able to send it to us?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.

Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/10/2012 10:36 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Yes, we were thinking the same way. I already sent you a response on attendees. I will circulate an agenda in advance of Monday. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Tuesday, April 10, 2012 10:30 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Could you please provide us with a list of your attendees before our meeting? It would also be helpful if you could provide us with the questions and concerns you have with respect to the request, so that we can make the best use of our time.

Thanks,

Kasey Barton  
Assistant Regional Counsel



US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/10/2012 10:18 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thanks for accommodating our schedules. We look forward to a productive discussion on Monday.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Tuesday, April 10, 2012 10:13 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

We are confirmed for Monday April 16 at our offices at 10 am. The meeting will be on the 14th floor, in room 1416.

See you then.

Kasey Barton

Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/06/2012 08:05 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thanks Kasey. Sorry to do this to you, but is there any way we can do the meeting in the morning instead of 1 pm. A 9 am or 10 am start is preferable. Let me know. I promise there will be no more requests.  
Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell:+1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Thursday, April 05, 2012 10:12 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Hi John,

We are confirmed for Monday, April 16th at 1 pm, at our offices. Please come to the 14th floor after you arrive. The meeting will be in Room 1416.

Please send us a list of your attendees when you have it.

We look forward to working with you on this matter.

Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 04/04/2012 06:08 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thank you. Let me confirm that time and get back to you.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/04/2012 06:04 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Peabody is available for a meeting on April 16th. I would propose 1 pm. Please confirm that the time works for you. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Tuesday, April 03, 2012 3:48 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

How does Monday April 16th look for you? Any in-person meeting should not be held later than that date. If the Peabody team cannot make the trip, we could hold the meeting via video-conference if you have that capability.

We are open to having a discussion to provide additional information and work through any issues or concerns. However, please be advised that compliance with our request is not contingent on having an in-person meeting, and does not change any deadlines within the request.

Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/03/2012 10:34 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Unfortunately, the Peabody team is not available on the 11th or 12th. Can you throw out three more dates for us to choose from and we will make sure to make one work.

On the need for a face to face meeting, I am sure you appreciate that the March 22nd letter is no ordinary Agency request for information, but rather a demand for extensive sampling and study imposing significant resource and cost burdens on the Company. We need to better understand the Agency's response to our initial production and the bases for this subsequent request before we can proceed with any additional effort.

We are nonetheless eager to facilitate this discussion towards a productive resolution of this matter. Please provide a few more options and we will get a date on the calendar. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell:+1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Monday, April 02, 2012 4:11 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

Sorry to do this, but it looks like Wednesday 4/11 or Thursday 4/12 works better for us. Do you have some time for a call on one of those days? Please let us know your availability.

Thanks!

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)

77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/02/2012 04:09 PM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/02/2012 03:34 PM  
Subject: Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Hi John,

Janet Pellegrini is not available this week. How does the afternoon of Monday April 9th look for you and your client?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 11/16/2011 11:51 AM  
Subject: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

This email will document our conversation of yesterday wherein U.S. EPA has agreed to provide Peabody Midwest Mining, LLC ("Peabody") an extension of time up through January 20, 2012 to respond to the Section 308 Request for Information from the Agency, dated October 12, 2011. This will confirm Peabody's agreement to provide a response on or before the January 20th deadline. Please let me know if you have any further questions or otherwise believe that this email does not properly reflect our discussions and understandings. Thank you for your cooperation with respect to this matter.

John W. Watson  
Partner

Baker & McKenzie LLP  
One Prudential Plaza  
130 E. Randolph Street, Suite 3700  
Chicago, Illinois 60601  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

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---

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300 East Randolph Street, Suite 5000  
Chicago, IL 60601, USA

Telephone and fax numbers will not change.

---

EPA-R5-2016-006046-20

"Watson, John W"  
<John.Watson@bakermckenzie.com>

04/12/2012 05:22 PM

To Kasey Barton

cc

bcc

Subject Peabody - Bear Run - Agenda for EPA Meeting - April 16th at 10 am

See Peabody Agenda topics for discussion on Monday.

1. Review EPA Concerns Regarding Water Quality at Bear Run
2. Discuss Substance of Peabody Response to November 2011 308 Request
3. Review Proposed Scope, Feasibility and Cost of EPA Sampling/Monitoring/Assessment Work in March 2012 Letter and Rationale for Requested Work

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601  
(w) 312-861-2646  
(c) 312-848-9474  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

---

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Pursuant to requirements related to practice before the Internal Revenue Service, any tax advice



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EPA-R5-2016-006046-21

**Kasey Barton /R5/USEPA/US**

04/20/2012 11:11 AM

To Janet Pellegrini

cc

bcc

Subject Fw: Peabody Midwest Mining - Bear Run - Clean Water Act -  
308 Request

FYI

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/20/2012 11:11 AM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA, Randa Bishlawi/R5/USEPA/US@EPA  
Cc: "West, Bryce" <BWest@peabodyenergy.com>, "Yingling, Mark"  
<MYingling@peabodyenergy.com>  
Date: 04/20/2012 11:08 AM  
Subject: Peabody Midwest Mining - Bear Run - Clean Water Act - 308 Request

---

Thank you both for facilitating the discussion earlier this week on the scope of the sampling, monitoring and assessment work requested in EPA's latest 308 request for Peabody's Bear Run mine. Consistent with your suggestions, Peabody is interested in engaging further with the Agency on the outstanding technical issues associated with the request. As agreed at the meeting, Bryce West at Peabody will provide additional information next week to Janet Pellegrini in response to our discussion around appropriate parameters for assessing water quality and the need for and scope of EPA's proposed plan for Bear Run as set forth in the 308 request. Bryce will also reach out to Janet next week to begin a dialogue on these issues. As we indicated at the meeting, Peabody's water quality expert is on vacation through the end of the month and we will want him to engage with the Agency as well upon his return to the office.

We understand EPA's interest in moving this matter forward and Peabody is committed to working expeditiously with the Agency to address these outstanding technical issues as quickly as possible. I will make certain you receive copies of any materials provided to Janet and will otherwise keep you updated on the technical discussions as they progress. Please let me know if you have questions or additional points of discussion at this time.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

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EPA-R5-2016-006046-22

**Kasey Barton /R5/USEPA/US**

04/20/2012 11:22 AM

To "Watson, John W"

cc "West, Bryce", "Yingling, Mark", Randa Bishlawi

bcc Janet Pellegrini

Subject Re: Peabody Midwest Mining - Bear Run - Clean Water Act - 308 Request

John,

Thank you for coming in and talking to us, it was helpful to hear from you and to discuss your concerns.

We look forward to working with Peabody to develop appropriate plans for the Site. Thanks for keeping us updated.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

Thank you both for facilitating the di...

04/20/2012 11:08:09 AM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA, Randa Bishlawi/R5/USEPA/US@EPA  
Cc: "West, Bryce" <BWest@peabodyenergy.com>, "Yingling, Mark" <MYingling@peabodyenergy.com>  
Date: 04/20/2012 11:08 AM  
Subject: Peabody Midwest Mining - Bear Run - Clean Water Act - 308 Request

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John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474

Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

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---

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EPA-R5-2016-006046-23

**Kasey Barton /R5/USEPA/US**

04/20/2012 11:22 AM

To "Watson, John W"

cc "West, Bryce", "Yingling, Mark", Randa Bishlawi

bcc Janet Pellegrini

Subject Re: Peabody Midwest Mining - Bear Run - Clean Water Act - 308 Request

John,

Thank you for coming in and talking to us, it was helpful to hear from you and to discuss your concerns.

We look forward to working with Peabody to develop appropriate plans for the Site. Thanks for keeping us updated.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

Thank you both for facilitating the di...

04/20/2012 11:08:09 AM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA, Randa Bishlawi/R5/USEPA/US@EPA  
Cc: "West, Bryce" <BWest@peabodyenergy.com>, "Yingling, Mark" <MYingling@peabodyenergy.com>  
Date: 04/20/2012 11:08 AM  
Subject: Peabody Midwest Mining - Bear Run - Clean Water Act - 308 Request

Thank you both for facilitating the discussion earlier this week on the scope of the sampling, monitoring and assessment work requested in EPA's latest 308 request for Peabody's Bear Run mine. Consistent with your suggestions, Peabody is interested in engaging further with the Agency on the outstanding technical issues associated with the request. As agreed at the meeting, Bryce West at Peabody will provide additional information next week to Janet Pellegrini in response to our discussion around appropriate parameters for assessing water quality and the need for and scope of EPA's proposed plan for Bear Run as set forth in the 308 request. Bryce will also reach out to Janet next week to begin a dialogue on these issues. As we indicated at the meeting, Peabody's water quality expert is on vacation through the end of the month and we will want him to engage with the Agency as well upon his return to the office.

We understand EPA's interest in moving this matter forward and Peabody is committed to working expeditiously with the Agency to address these outstanding technical issues as quickly as possible. I will make certain you receive copies of any materials provided to Janet and will otherwise keep you updated on the technical discussions as they progress. Please let me know if you have questions or additional points of discussion at this time.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474

Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**Effective January 17, 2012, Baker & McKenzie's Chicago office will be located at:**

300 East Randolph Street, Suite 5000  
Chicago, IL 60601, USA

Telephone and fax numbers will not change.

---

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EPA-R5-2016-006046-24

"West, Bryce"  
<BWest@peabodyenergy.com  
>

04/26/2012 06:53 AM

To Janet Pellegrini  
cc "'John.Watson@bakermckenzie.com"'  
bcc

Subject Tech discussion

Janet

I am out of town today, but will be back in my office by noon tomorrow. Would you be available for our first discussion tomorrow afternoon? If so, let me know what time and I will call you. If not, let me know when would be a good time next week.

Thanks

Bryce West

-----  
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EPA-R5-2016-006046-25

**Janet  
Pellegrini/R5/USEPA/US**  
04/26/2012 09:22 AM

To "West, Bryce"  
cc "'John.Watson@bakermckenzie.com'", Kevin Pierard, Kasey  
Barton  
bcc Patrick Kuefler  
Subject Re: Tech discussion

Bryce,  
Yes, I am available Friday, April 27th, for your call, lets make it 1:15pm.

During our meeting on April 16, 2012, Mr. Watson submitted to EPA NPDES a letter from Peabody to ACOE dated January 4, 2011 that contained several data tables not previously submitted to NPDES. Since our 1st 308 request dated October 12, 2011 was limited to the last 5 years of data, the data we received did not include all the information submitted to ACOE, in particular Table 1, Estimated Sulfate Standard, that dated back to 1980. The data tables your January 20, 2012 submission to EPA contained 2 sulfate data points for NPDES outfalls and 6 sulfate data points for surface water samples. At your convenience if you could send me the data electronically contained within the January 4, 2011 ACOE letter I would appreciate it, as electronic format is easier to compile. Additionally, since this data predates Peabody's ownership of the mine area, if you could reference the source of the data that would be helpful.

I look forward to our discussion on Friday, I'm sure I can gain a better understanding of the site and its operations.

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

"West, Bryce"	Janet I am out of town today, but will be...	04/26/2012 06:53:46 AM
---------------	--	------------------------

From: "West, Bryce" <BWest@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA  
Cc: "'John.Watson@bakermckenzie.com'" <John.Watson@bakermckenzie.com>  
Date: 04/26/2012 06:53 AM  
Subject: Tech discussion

Janet  
I am out of town today, but will be back in my office by noon tomorrow. Would you be available for our first discussion tomorrow afternoon? If so, let me know what time and I will call you. If not, let me know when would be a good time next week.

Thanks  
Bryce West

-----  
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EPA-R5-2016-006046-26

"West, Bryce"  
<BWest@peabodyenergy.com>

04/26/2012 05:00 PM

To Janet Pellegrini

cc "'John.Watson@bakermckenzie.com'", Kevin Pierard, Kasey Barton

bcc

Subject Re: Tech discussion

Ok. I will call you at 1:15.

Thanks

Bryce

---

**From:** Janet Pellegrini <Pellegrini.Janet@epamail.epa.gov>

**To:** West, Bryce

**Cc:** 'John.Watson@bakermckenzie.com' <John.Watson@bakermckenzie.com>; Kevin Pierard <Pierard.Kevin@epamail.epa.gov>; Kasey Barton <Barton.Kasey@epamail.epa.gov>

**Sent:** Thu Apr 26 09:22:06 2012

**Subject:** Re: Tech discussion

Bryce,

Yes, I am available Friday, April 27th, for your call, lets make it 1:15pm.

During our meeting on April 16, 2012, Mr. Watson submitted to EPA NPDES a letter from Peabody to ACOE dated January 4, 2011 that contained several data tables not previously submitted to NPDES. Since our 1st 308 request dated October 12, 2011 was limited to the last 5 years of data, the data we received did not include all the information submitted to ACOE, in particular Table 1, Estimated Sulfate Standard, that dated back to 1980. The data tables your January 20, 2012 submission to EPA contained 2 sulfate data points for NPDES outfalls and 6 sulfate data points for surface water samples.

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I look forward to our discussion on Friday, I'm sure I can gain a better understanding of the site and its operations.

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

▼ "West, Bryce" ---04/26/2012 06:53:46 AM---Janet I am out of town today, but will be back in my office by noon tomorrow. Would you be available

From: "West, Bryce" <BWest@peabodyenergy.com>

To: Janet Pellegrini/R5/USEPA/US@EPA

Cc: "'John.Watson@bakermckenzie.com'" <John.Watson@bakermckenzie.com>

Date: 04/26/2012 06:53 AM

Subject: Tech discussion

---

Janet

I am out of town today, but will be back in my office by noon tomorrow. Would you be available for our first discussion tomorrow afternoon? If so, let me know what time and I will call you. If not, let me know when would be a good time next week.

Thanks

Bryce West

-----  
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EPA-R5-2016-006046-27

"West, Bryce"  
<BWest@peabodyenergy.com>

04/27/2012 12:42 PM

To Janet Pellegrini

cc "'John.Watson@bakermckenzie.com'", Kevin Pierard, Kasey Barton

bcc

Subject RE: Tech discussion

Janet

Attached is the comment letter from EPA to the Corps of Engineers regarding the previous Bear Run 404 permit. This is the letter we were responding to in our Jan 4, 2011 letter referenced below. The water quality section on the first page references EPA's NPDES personnel. It was our understanding that the questions came from the NPDES group and our response was provided to the NPDES group along with our willingness to discuss any water quality issues. I thought this may help with our discussions.

I will call you soon.

Thanks

Bryce

**From:** Janet Pellegrini [mailto:Pellegrini.Janet@epamail.epa.gov]

**Sent:** Thursday, April 26, 2012 9:22 AM

**To:** West, Bryce

**Cc:** 'John.Watson@bakermckenzie.com'; Kevin Pierard; Kasey Barton

**Subject:** Re: Tech discussion

Bryce,

Yes, I am available Friday, April 27th, for your call, lets make it 1:15pm.

During our meeting on April 16, 2012, Mr. Watson submitted to EPA NPDES a letter from Peabody to ACOE dated January 4, 2011 that contained several data tables not previously submitted to NPDES. Since our 1st 308 request dated October 12, 2011 was limited to the last 5 years of data, the data we received did not include all the information submitted to ACOE, in particular Table 1, Estimated Sulfate Standard, that dated back to 1980. The data tables your January 20, 2012 submission to EPA contained 2 sulfate data points for NPDES outfalls and 6 sulfate data points for surface water samples.

At your convenience if you could send me the data electronically contained within the January 4, 2011 ACOE letter I would appreciate it, as electronic format is easier to compile. Additionally, since this data predates Peabody's ownership of the mine area, if you could reference the source of the data that would be helpful.

I look forward to our discussion on Friday, I'm sure I can gain a better understanding of the site and its operations.

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

▼ "West, Bryce" ---04/26/2012 06:53:46 AM---Janet I am out of town today, but will be back in my office by noon tomorrow. Would you be available

From: "West, Bryce" <BWest@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA  
Cc: "John.Watson@bakermckenzie.com" <John.Watson@bakermckenzie.com>  
Date: 04/26/2012 06:53 AM  
Subject: Tech discussion

---

Janet

I am out of town today, but will be back in my office by noon tomorrow. Would you be available for our first discussion tomorrow afternoon? If so, let me know what time and I will call you. If not, let me know when would be a good time next week.

Thanks

Bryce West

-----  
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**your system.** 20120427091709038.pdf

EPA-R5-2016-006046-28

**Janet  
Pellegrini/R5/USEPA/US**

04/27/2012 04:55 PM

To "West, Bryce", EFry

cc Patrick Kuefler

bcc Kevin Pierard

Subject RE: Tech discussion

Bryce, Eric,

Thanks for answering my questions re the site and today's discussion re previous studies that you will be emailing me.

While I review those, I ask you to consider how you can incorporate your knowledge of the site and the smaller number of actual NPDES discharge events into a workable sampling plan per the March 22, 2012 EPA 308 request.

EPA would like to work with Peabody in developing a sampling plan prior to the end of May 2012, so that sampling can begin by June 1, 2012.

Our original request deadline for developing the sample plan of 30 days from receipt of the March 22, 2012 letter was delayed per Peabody's indication, during the April 16, 2012 meeting in our Chicago office, that their water quality expert, Eric Fry was on vacation. With Eric's return we look forward to his input on the development of a sampling plan.

We can discuss the plan on our next scheduled call Thursday, May 3rd at 1:15pm.

thanks,  
Janet

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

EPA-R5-2016-006046-29

"West, Bryce"  
<BWest@peabodyenergy.com>

04/30/2012 03:37 PM

To Janet Pellegrini

cc "Fry, Eric", "McGarvie, Scott D.", "Watson, John W"

bcc

Subject Studies

Janet

Attached are 3 of the studies we discussed on Friday. We are searching for the others and will forward as soon as they are located.

Thanks

Bryce West  
Peabody Energy  
7100 Eagle Crest Blvd.  
Evansville, IN 47715  
office: 812-434-8580  
cell: 812-455-8278  
fax: 812-424-9064  
[bwest@peabodyenergy.com](mailto:bwest@peabodyenergy.com)

---

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2024989A\_Peabody Energy\_FINAL DRAFT Report Fish and Macro Monitoring 2010 WBusseron.pdf



Soucek\_Impacts of Coalmine Discharges on Illinois Unionid Mussels.pdf



environ Illinois streams study 2011.pdf



EPA-R5-2016-006046-30

"West, Bryce"  
<BWest@peabodyenergy.com>

05/01/2012 11:27 AM

To Janet Pellegrini  
cc "Fry, Eric", "McGarvie, Scott D.", "Watson, John W"  
bcc  
Subject FW:

Janet

Here is the info from the Vermillion Grove mine that we discussed last week.

Thanks

Bryce West  
Peabody Energy  
7100 Eagle Crest Blvd.  
Evansville, IN 47715  
office: 812-434-8580  
cell: 812-455-8278  
fax: 812-424-9064  
[bwest@peabodyenergy.com](mailto:bwest@peabodyenergy.com)

**From:** Fry, Eric  
**Sent:** Monday, April 30, 2012 5:27 PM  
**To:** West, Bryce  
**Subject:** FW:

Attached is an analysis of the of the VG data our staff did in 2010. Region 5, the State of Illinois, I believe ELPC? and others devised this sampling plan to determine if there was a potential for toxic metals, etc. VG was a worst case scenario with a large surface refuse pile, coal storage, and saline inflow into the underground. IEPA currently uses this study to limit testing parameters for Illinois coal mines and Region 5 evidently agrees. We (Peabody) complained bitterly at the time about the wasted money but we were told that it was a onetime thing if the results were good. At the time Region 5 sent a very large contingent of staff to visit the VG and also the Farmersburg mine in the Busserron creek watershed which Ms Pellegrini agrees has no problems after 15 years of operation.

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**your system.** VG Surface Water Quality Analysis All Analytes Nov302010 edits.doc

EPA-R5-2016-006046-31

**Janet  
Pellegrini/R5/USEPA/US**

05/08/2012 04:18 PM

To "West, Bryce"

cc "Fry, Eric", "Watson, John W", "McGarvie, Scott D.", Kevin  
Pierard, Kasey Barton

bcc Randa Bishlawi, Patrick Kuefler

Subject Re: B Run 308

Bryce,

Thanks for your email acknowledging your development of an alternate sampling plan , with supportive documentation.

Any deviations from our EPA guidances within the March 22, 2012 CWA Section 308 request, should be technically justified.

The one exception to that would be my feedback to Peabody on May 3, 2012, wherein I indicated that for NPDES outfall sampling method, EPA will accept grab sample method of monitoring in place of our suggestion of composite sampling method, based on Peabody's input and internal EPA concurrence.

Submitting that plan as soon as possible, will aid in EPA review and feedback to Peabody in finalization of an approvable sampling plan.

May we anticipate submission towards the beginning of the week of May 14, 2012, in order to expedite this process?

thanks,

Janet

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

"West, Bryce"

Janet I just wanted to follow up on our...

05/08/2012 02:44:01 PM

From: "West, Bryce" <BWest@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA  
Cc: "Fry, Eric" <EFry@peabodyenergy.com>, "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>, "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 05/08/2012 02:44 PM  
Subject: B Run 308

---

Janet

I just wanted to follow up on our discussion last week. As discussed, we will develop an alternative sampling plan based on our technical discussion on May 3<sup>rd</sup>. We will include data supporting this plan and we expect to have it completed and submitted to you in the next couple of weeks.

thanks

Bryce West  
Peabody Energy  
7100 Eagle Crest Blvd.  
Evansville, IN 47715

office: 812-434-8580  
cell: 812-455-8278  
fax: 812-424-9064  
[bwest@peabodyenergy.com](mailto:bwest@peabodyenergy.com)

---

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EPA-R5-2016-006046-32

"West, Bryce"  
<BWest@peabodyenergy.com>

05/09/2012 07:16 AM

To Janet Pellegrini

cc "Fry, Eric", "Watson, John W", "McGarvie, Scott D.", Kevin  
Pierard, Kasey Barton

bcc

Subject RE: B Run 308

Janet,

We will not be able to submit next week. As we discussed last week, our tech experts have previous commitments this week and next. We are moving forward on the plan, but we need their input before finalizing. We will submit as soon as possible.

Thanks

Bryce

**From:** Janet Pellegrini [mailto:Pellegrini.Janet@epamail.epa.gov]

**Sent:** Tuesday, May 08, 2012 4:18 PM

**To:** West, Bryce

**Cc:** Fry, Eric; Watson, John W; McGarvie, Scott D.; Kevin Pierard; Kasey Barton

**Subject:** Re: B Run 308

Bryce,

Thanks for your email acknowledging your development of an alternate sampling plan, with supportive documentation.

Any deviations from our EPA guidances within the March 22, 2012 CWA Section 308 request, should be technically justified.

The one exception to that would be my feedback to Peabody on May 3, 2012, wherein I indicated that for NPDES outfall sampling method, EPA will accept grab sample method of monitoring in place of our suggestion of composite sampling method, based on Peabody's input and internal EPA concurrence.

Submitting that plan as soon as possible, will aid in EPA review and feedback to Peabody in finalization of an approvable sampling plan.

May we anticipate submission towards the beginning of the week of May 14, 2012, in order to expedite this process?

thanks,

Janet

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

▼ "West, Bryce" ---05/08/2012 02:44:01 PM---Janet I just wanted to follow up on our discussion last week. As discussed, we will develop an alte

From: "West, Bryce" <BWest@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA  
Cc: "Fry, Eric" <EFry@peabodyenergy.com>, "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>, "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 05/08/2012 02:44 PM  
Subject: B Run 308

---

Janet

I just wanted to follow up on our discussion last week. As discussed, we will develop an alternative sampling plan based on our technical discussion on May 3<sup>rd</sup>. We will include data supporting this plan and we expect to have it completed and submitted to you in the next couple of weeks.

thanks

Bryce West  
Peabody Energy  
7100 Eagle Crest Blvd.  
Evansville, IN 47715  
office: 812-434-8580  
cell: 812-455-8278  
fax: 812-424-9064  
[bwest@peabodyenergy.com](mailto:bwest@peabodyenergy.com)

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EPA-R5-2016-006046-33

**"Watson, John W"**  
**<John.Watson@bakermckenzie.com>**

05/11/2012 09:30 AM

To "Watson, John W", Kasey Barton

cc

bcc

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

I am out of town today and have not been able to confirm with Peabody any commitments we can provide you next week. We are working to respond to your request and I will call you on Monday to discuss.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601  
(w) 312-861-2646  
(c) 312-848-9474  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

---

**From:** Watson, John W  
**Sent:** Tuesday, April 10, 2012 10:36 AM  
**To:** Kasey Barton  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Yes, we were thinking the same way. I already sent you a response on attendees. I will circulate an agenda in advance of Monday. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Tuesday, April 10, 2012 10:30 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Could you please provide us with a list of your attendees before our meeting? It would also be helpful if you could provide us with the questions and concerns you have with respect to the request, so that we can make the best use of our time.

Thanks,

Kasey Barton  
Assistant Regional Counsel

US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/10/2012 10:18 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thanks for accommodating our schedules. We look forward to a productive discussion on Monday.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Tuesday, April 10, 2012 10:13 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

We are confirmed for Monday April 16 at our offices at 10 am. The meeting will be on the 14th floor, in room 1416.

See you then.



Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/06/2012 08:05 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thanks Kasey. Sorry to do this to you, but is there any way we can do the meeting in the morning instead of 1 pm. A 9 am or 10 am start is preferable. Let me know. I promise there will be no more requests. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Thursday, April 05, 2012 10:12 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Hi John,

We are confirmed for Monday, April 16th at 1 pm, at our offices. Please come to the 14th floor after you

arrive. The meeting will be in Room 1416.

Please send us a list of your attendees when you have it.

We look forward to working with you on this matter.

Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 04/04/2012 06:08 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thank you. Let me confirm that time and get back to you.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/04/2012 06:04 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Peabody is available for a meeting on April 16th. I would propose 1 pm. Please confirm that the time works for you. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Tuesday, April 03, 2012 3:48 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

How does Monday April 16th look for you? Any in-person meeting should not be held later than that date. If the Peabody team cannot make the trip, we could hold the meeting via video-conference if you have that capability.

We are open to having a discussion to provide additional information and work through any issues or concerns. However, please be advised that compliance with our request is not contingent on having an in-person meeting, and does not change any deadlines within the request.

Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/03/2012 10:34 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Unfortunately, the Peabody team is not available on the 11th or 12th. Can you throw out three more dates for us to choose from and we will make sure to make one work.

On the need for a face to face meeting, I am sure you appreciate that the March 22nd letter is no ordinary Agency request for information, but rather a demand for extensive sampling and study imposing significant resource and cost burdens on the Company. We need to better understand the Agency's response to our initial production and the bases for this subsequent request before we can proceed with any additional effort.

We are nonetheless eager to facilitate this discussion towards a productive resolution of this matter. Please provide a few more options and we will get a date on the calendar. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Monday, April 02, 2012 4:11 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

Sorry to do this, but it looks like Wednesday 4/11 or Thursday 4/12 works better for us. Do you have some time for a call on one of those days? Please let us know your availability.

Thanks!

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/02/2012 04:09 PM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/02/2012 03:34 PM  
Subject: Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Hi John,

Janet Pellegrini is not available this week. How does the afternoon of Monday April 9th look for you and your client?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 11/16/2011 11:51 AM  
Subject: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

This email will document our conversation of yesterday wherein U.S. EPA has agreed to provide Peabody Midwest Mining, LLC ("Peabody") an extension of time up through January 20, 2012 to respond to the Section 308 Request for Information from the Agency, dated October 12, 2011. This will confirm Peabody's agreement to provide a response on or before the January 20th deadline. Please let me know if you have any further questions or otherwise believe that this email does not properly reflect our discussions and understandings. Thank you for your cooperation with respect to this matter.

John W. Watson  
Partner  
Baker & McKenzie LLP  
One Prudential Plaza  
130 E. Randolph Street, Suite 3700  
Chicago, Illinois 60601  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

Pursuant to requirements related to practice before the Internal Revenue Service, any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for the purposes of (i) avoiding penalties imposed under the United States Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

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---

**Effective January 17, 2012, Baker & McKenzie's Chicago office will be located at:**

300 East Randolph Street, Suite 5000  
Chicago, IL 60601, USA

Telephone and fax numbers will not change.

---

EPA-R5-2016-006046-34

**Kasey Barton /R5/USEPA/US**

05/11/2012 09:40 AM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

Thank you for getting back to me. EPA needs to receive a draft sampling as soon as possible. Peabody is already well past the 30 day deadline of April 22 in submitting its plan to us. It was our understanding that we going to begin having meaningful discussions about an appropriate plan after our April 16th meeting. We cannot start having those discussions until we can review a written plan .

I look forward to discussing this further on Monday .

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

I am out of town today and have not...

05/11/2012 09:31:04 AM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: "Watson, John W" <John.Watson@bakermckenzie.com>, Kasey Barton/R5/USEPA/US@EPA  
Date: 05/11/2012 09:31 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

I am out of town today and have not been able to confirm with Peabody any commitments we can provide you next week. We are working to respond to your request and I will call you on Monday to discuss.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601  
(w) 312-861-2646  
(c) 312-848-9474  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

---

**From:** Watson, John W  
**Sent:** Tuesday, April 10, 2012 10:36 AM  
**To:** Kasey Barton  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Yes, we were thinking the same way. I already sent you a response on attendees. I will circulate an agenda in advance of Monday. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]  
**Sent:** Tuesday, April 10, 2012 10:30 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Could you please provide us with a list of your attendees before our meeting? It would also be helpful if you could provide us with the questions and concerns you have with respect to the request, so that we can make the best use of our time.

Thanks,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

---

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/10/2012 10:18 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thanks for accommodating our schedules. We look forward to a productive discussion on Monday.

John W. Watson  
Partner



Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

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**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Tuesday, April 10, 2012 10:13 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

We are confirmed for Monday April 16 at our offices at 10 am. The meeting will be on the 14th floor, in room 1416.

See you then.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

---

From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/06/2012 08:05 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thanks Kasey. Sorry to do this to you, but is there any way we can do the meeting in the morning instead of 1 pm. A 9 am or 10 am start is preferable. Let me know. I promise there will be no more requests. Thank you.

John W. Watson  
Partner

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300 E. Randolph Street, Suite 5000  
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Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

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**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Thursday, April 05, 2012 10:12 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

Hi John,

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Please send us a list of your attendees when you have it.

We look forward to working with you on this matter.

Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>  
Date: 04/04/2012 06:08 PM

Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Thank you. Let me confirm that time and get back to you.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/04/2012 06:04 PM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Peabody is available for a meeting on April 16th. I would propose 1 pm. Please confirm that the time works for you. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

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**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Tuesday, April 03, 2012 3:48 PM

**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

How does Monday April 16th look for you? Any in-person meeting should not be held later than that date. If the Peabody team cannot make the trip, we could hold the meeting via video-conference if you have that capability.

We are open to having a discussion to provide additional information and work through any issues or concerns. However, please be advised that compliance with our request is not contingent on having an in-person meeting, and does not change any deadlines within the request.

Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 04/03/2012 10:34 AM  
Subject: RE: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Unfortunately, the Peabody team is not available on the 11th or 12th. Can you throw out three more dates for us to choose from and we will make sure to make one work.

On the need for a face to face meeting, I am sure you appreciate that the March 22nd letter is no ordinary Agency request for information, but rather a demand for extensive sampling and study imposing significant resource and cost burdens on the Company. We need to better understand the Agency's response to our initial production and the bases for this subsequent request before we can proceed with any additional effort.

We are nonetheless eager to facilitate this discussion towards a productive resolution of this matter. Please provide a few more options and we will get a date on the calendar. Thank you.

John W. Watson  
Partner

Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
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Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Monday, April 02, 2012 4:11 PM  
**To:** Watson, John W  
**Cc:** Janet Pellegrini  
**Subject:** Fw: Peabody Midwest Mining, LLC - EPA Section 308 Request

John,

Sorry to do this, but it looks like Wednesday 4/11 or Thursday 4/12 works better for us. Do you have some time for a call on one of those days? Please let us know your availability.

Thanks!

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 04/02/2012 04:09 PM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>  
Cc: Janet Pellegrini/R5/USEPA/US@EPA  
Date: 04/02/2012 03:34 PM  
Subject: Re: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

Hi John,

Janet Pellegrini is not available this week. How does the afternoon of Monday April 9th look for you and your client?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 11/16/2011 11:51 AM  
Subject: Peabody Midwest Mining, LLC - EPA Section 308 Request

---

This email will document our conversation of yesterday wherein U.S. EPA has agreed to provide Peabody Midwest Mining, LLC ("Peabody") an extension of time up through January 20, 2012 to respond to the Section 308 Request for Information from the Agency, dated October 12, 2011. This will confirm Peabody's agreement to provide a response on or before the January 20th deadline. Please let me know if you have any further questions or otherwise believe that this email does not properly reflect our discussions and understandings. Thank you for your cooperation with respect to this matter.

John W. Watson  
Partner  
Baker & McKenzie LLP  
One Prudential Plaza  
130 E. Randolph Street, Suite 3700  
Chicago, Illinois 60601  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Please note my new email address.

Pursuant to requirements related to practice before the Internal Revenue Service, any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for the purposes of (i) avoiding penalties imposed under the United States Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message. Please visit [www.bakermckenzie.com/disclaimers](http://www.bakermckenzie.com/disclaimers) for other important information concerning this message.

---

**Effective January 17, 2012, Baker & McKenzie's Chicago office will be located at:**

300 East Randolph Street, Suite 5000  
Chicago, IL 60601, USA

Telephone and fax numbers will not change.

---

---

EPA-R5-2016-006046-35

**"Watson, John W"**  
<John.Watson@bakermckenzie.com>

05/15/2012 07:14 AM

To Kasey Barton

cc

bcc

Subject Peabody Midwest Mining, LLC - EPA Section 308 Request

Kasey,

This email will respond to our ongoing dialogue on the timing of Peabody Midwest Mining LLC's ("Peabody") submittal of a proposed sampling plan for the Company's Bear Run mine pursuant to the Agency's recent Section 308 request for information. Since our meeting on April 16th, Peabody representatives have been working continuously on this matter and have redirected substantial resources to the preparation of an appropriate response to, and plan for, EPA. This work has included the production of extensive documentation to Janet Pellegrini on historical sampling and monitoring - both at Bear Run and other mines in the Illinois Basin - and two lengthy technical calls with Ms. Pellegrini. Peabody has viewed the calls with Ms. Pellegrini as productive in educating the Agency on the history of sampling and other efforts that have been undertaken by Peabody to address the Agency's concerns and in providing a possible framework for a proposed sampling plan.

During the last call between Peabody and Ms. Pellegrini, it was agreed that Peabody would propose an alternative plan to the one requested by EPA. Ms. Pellegrini specifically requested that, as part of the plan, Peabody offer detailed technical support for any divergence from the Agency's proposed plan. As we have communicated to both you and Ms. Pellegrini, Peabody is working on this proposal, but must ensure that any plan offered by the Company, along with the technical support requested by EPA, is thorough, technically sound, properly scoped, and carefully reviewed and vetted by the Company's water specialists prior to submittal. To be clear, this is no insubstantial undertaking in light of the breadth of EPAs' original request (proposing a plan estimated to cost Peabody in excess of \$700,000 to implement).

Peabody will submit its proposed plan as soon as possible. It may not, however, be until sometime next week given the technical issues that need to be addressed and the related travel schedules of key Peabody personnel. A matter of a few days is of no consequence to the Agency's objectives here and quite necessary in Peabody's view given the complexities of this matter. I can assure you that this matter is being given full and proper attention at the Company. In fact, we have followed the exact process agreed to during our April 16th meeting and have been appropriately diligent in all respects. It is worthy to note that the Peabody Bear Run technical team is also working simultaneously on the construction of air monitors and the commencement of fugitive dust monitoring in response to a separate and distinct information request from Region V.

I will send you the draft Plan as soon as I can, but in no event will this persist beyond next week. We appreciate the Agency's continued engagement and cooperation in this matter.

I am happy to talk if further discussion is warranted. Thank you.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474



Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**Effective January 17, 2012, Baker & McKenzie's Chicago office will be located at:**

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Chicago, IL 60601, USA

Telephone and fax numbers will not change.

---

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EPA-R5-2016-006046-36

**Kasey Barton /R5/USEPA/US**

05/16/2012 01:37 PM

To "Watson, John W"

cc

bcc

Subject Re: Peabody - Bear Run

Okay, thank you for getting back to me. I'm sorry I wasn't able to get in touch with you this morning. Please give me call this afternoon. I'll be available after 3 pm.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

Sorry I missed your call today. I am...

05/15/2012 10:02:46 PM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 05/15/2012 10:02 PM  
Subject: Peabody - Bear Run

---

Sorry I missed your call today. I am traveling. Please call me on my cell tomorrow morning - preferably before 9 am. I will call you later in the day if we don't connect first thing.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601  
(w) 312-861-2646  
(c) 312-848-9474  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

---

**Effective January 17, 2012, Baker & McKenzie's Chicago office will be located at:**

300 East Randolph Street, Suite 5000  
Chicago, IL 60601, USA

Telephone and fax numbers will not change.

---

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EPA-R5-2016-006046-37

"Watson, John W"  
<John.Watson@bakermckenzie.com>

05/21/2012 09:44 AM

To Kasey Barton

cc

bcc

Subject Peabody - Bear Run

I have conferred with the Peabody team on the timing of completion of the proposed alternative sampling plan for Bear Run. Peabody is working hard to finish the plan as quickly as possible and we should have something for you to review by no later than Wednesday of this week, if not before. Let me know if you have questions or wish to discuss.

John W. Watson  
Partner  
Baker & McKenzie LLP  
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[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

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EPA-R5-2016-006046-38

**Kasey Barton /R5/USEPA/US**

05/21/2012 12:42 PM

To Janet Pellegrini

cc

bcc

Subject Fw: Peabody - Bear Run

Janet,

Please see the message from Peabody below. It looks like this is the best we can do under the circumstances. Let me know if you have any questions.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 05/21/2012 12:41 PM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 05/21/2012 09:44 AM  
Subject: Peabody - Bear Run

---

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EPA-R5-2016-006046-39

**Kasey Barton /R5/USEPA/US**

05/21/2012 12:47 PM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject Re: Peabody - Bear Run

Thank you, John. We appreciate Peabody's efforts to complete the plan quickly. We look forward to receiving it no later than this Wednesday May 23.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

I have conferred with the Peabody t...

05/21/2012 09:44:23 AM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 05/21/2012 09:44 AM  
Subject: Peabody - Bear Run

---

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John W. Watson  
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[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

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EPA-R5-2016-006046-40

**Kasey Barton /R5/USEPA/US**

05/21/2012 12:47 PM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject Re: Peabody - Bear Run

Thank you, John. We appreciate Peabody's efforts to complete the plan quickly. We look forward to receiving it no later than this Wednesday May 23.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

I have conferred with the Peabody t...

05/21/2012 09:44:23 AM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 05/21/2012 09:44 AM  
Subject: Peabody - Bear Run

---

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Chicago, Illinois 60601  
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[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

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EPA-R5-2016-006046-41

"Watson, John W"  
<John.Watson@bakermckenzie.com>

Sent by: "Cortes, Ada"  
<Ada.Cortes@bakermckenzie.com>

To Kasey Barton  
cc  
bcc  
Subject Peabody Bear Run - Response to EPA 308 Request

05/23/2012 04:14 PM

Please see attached letter. Appendices A - D will follow in separate emails. We will be messenger a CD containing all the documents tomorrow morning. Please contact John Watson directly at (312) 861-2646 if you have any questions. Thank you.

Ada Cortes  
Assistant to John W. Watson

Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
[Ada.Cortes@Bakermckenzie.com](mailto:Ada.Cortes@Bakermckenzie.com)

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EPA-R5-2016-006046-42

"Watson, John W"  
<John.Watson@bakermckenzie.com>

Sent by: "Cortes, Ada"  
<Ada.Cortes@bakermckenzie.com>

To Kasey Barton

cc

bcc

Subject Peabody Bear Run - Response to EPA 308 Request - Appendix A

05/23/2012 04:17 PM

Attached you will find Appendix A. Thank you.

Ada Cortes  
Assistant to John W. Watson

Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
[Ada.Cortes@Bakermckenzie.com](mailto:Ada.Cortes@Bakermckenzie.com)

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EPA-R5-2016-006046-43

"Watson, John W"  
<John.Watson@bakermckenzie.com>

Sent by: "Cortes, Ada"  
<Ada.Cortes@bakermckenzie.com>

To Kasey Barton

cc

bcc

Subject Peabody Bear Run - Response to EPA 308 Request - Appendix B

05/23/2012 04:18 PM

Attached you will find Appendix B. Thank you.

Ada Cortes  
Assistant to John W. Watson

Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
[Ada.Cortes@Bakermckenzie.com](mailto:Ada.Cortes@Bakermckenzie.com)

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EPA-R5-2016-006046-44

"Watson, John W"  
<John.Watson@bakermckenzie.com>

Sent by: "Cortes, Ada"  
<Ada.Cortes@bakermckenzie.com>

To Kasey Barton

cc

bcc

Subject Peabody Bear Run - Response to EPA 308 Request - Appendix C

05/23/2012 04:19 PM

Attached you will find Appendix C. Thank you.

Ada Cortes  
Assistant to John W. Watson

Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
[Ada.Cortes@Bakermckenzie.com](mailto:Ada.Cortes@Bakermckenzie.com)

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EPA-R5-2016-006046-45

"Watson, John W"  
<John.Watson@bakermckenzie.com>

Sent by: "Cortes, Ada"  
<Ada.Cortes@bakermckenzie.com>

To Kasey Barton

cc

bcc

Subject Peabody Bear Run - Response to EPA 308 Request - Appendix D

05/23/2012 04:20 PM

Attached you will find Appendix D. Thank you.

Ada Cortes  
Assistant to John W. Watson

Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
[Ada.Cortes@Bakermckenzie.com](mailto:Ada.Cortes@Bakermckenzie.com)

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EPA-R5-2016-006046-46

**Kasey Barton /R5/USEPA/US**

05/23/2012 04:21 PM

To Janet Pellegrini

cc

bcc

Subject Fw: Peabody Bear Run - Response to EPA 308 Request

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 05/23/2012 04:21 PM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 05/23/2012 04:14 PM  
Subject: Peabody Bear Run - Response to EPA 308 Request  
Sent by: "Cortes, Ada" <Ada.Cortes@bakermckenzie.com>

---

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Ada Cortes  
Assistant to John W. Watson

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Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
[Ada.Cortes@Bakermckenzie.com](mailto:Ada.Cortes@Bakermckenzie.com)

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EPA-R5-2016-006046-47

**Kasey Barton /R5/USEPA/US**

05/23/2012 04:22 PM

To Janet Pellegrini

cc

bcc

Subject Fw: Peabody Bear Run - Response to EPA 308 Request -  
Appendix A

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 05/23/2012 04:22 PM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 05/23/2012 04:18 PM  
Subject: Peabody Bear Run - Response to EPA 308 Request - Appendix A  
Sent by: "Cortes, Ada" <Ada.Cortes@bakermckenzie.com>

---

Attached you will find Appendix A. Thank you.

Ada Cortes  
Assistant to John W. Watson

Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
[Ada.Cortes@Bakermckenzie.com](mailto:Ada.Cortes@Bakermckenzie.com)

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this message. Appendix A.pdf

EPA-R5-2016-006046-48

**Kasey Barton /R5/USEPA/US**

05/23/2012 04:22 PM

To Janet Pellegrini

cc

bcc

Subject Fw: Peabody Bear Run - Response to EPA 308 Request -  
Appendix B

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 05/23/2012 04:22 PM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 05/23/2012 04:20 PM  
Subject: Peabody Bear Run - Response to EPA 308 Request - Appendix B  
Sent by: "Cortes, Ada" <Ada.Cortes@bakermckenzie.com>

---

Attached you will find Appendix B. Thank you.

Ada Cortes  
Assistant to John W. Watson

Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
[Ada.Cortes@Bakermckenzie.com](mailto:Ada.Cortes@Bakermckenzie.com)

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this message. Appendix B.pdf

EPA-R5-2016-006046-49

**Kasey Barton /R5/USEPA/US**

05/23/2012 04:23 PM

To Janet Pellegrini

cc

bcc

Subject Fw: Peabody Bear Run - Response to EPA 308 Request -  
Appendix C

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 05/23/2012 04:22 PM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 05/23/2012 04:19 PM  
Subject: Peabody Bear Run - Response to EPA 308 Request - Appendix C  
Sent by: "Cortes, Ada" <Ada.Cortes@bakermckenzie.com>

---

Attached you will find Appendix C. Thank you.

Ada Cortes  
Assistant to John W. Watson

Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
[Ada.Cortes@Bakermckenzie.com](mailto:Ada.Cortes@Bakermckenzie.com)

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this message. Appendix C.pdf

EPA-R5-2016-006046-50

**Kasey Barton /R5/USEPA/US**

05/23/2012 04:23 PM

To Janet Pellegrini

cc

bcc

Subject Fw: Peabody Bear Run - Response to EPA 308 Request -  
Appendix D

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 05/23/2012 04:23 PM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 05/23/2012 04:20 PM  
Subject: Peabody Bear Run - Response to EPA 308 Request - Appendix D  
Sent by: "Cortes, Ada" <Ada.Cortes@bakermckenzie.com>

---

Attached you will find Appendix D. Thank you.

Ada Cortes  
Assistant to John W. Watson

Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
[Ada.Cortes@Bakermckenzie.com](mailto:Ada.Cortes@Bakermckenzie.com)

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this message. Appendix D.pdf

EPA-R5-2016-006046-51

**Kasey Barton /R5/USEPA/US**

05/23/2012 04:41 PM

To "Watson, John W"

cc "Cortes, Ada"

bcc

Subject Re: Peabody Bear Run - Response to EPA 308 Request

We have received all of the materials. Thank you.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

Please see attached letter. Appendi...

05/23/2012 04:14:45 PM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 05/23/2012 04:14 PM  
Subject: Peabody Bear Run - Response to EPA 308 Request  
Sent by: "Cortes, Ada" <Ada.Cortes@bakermckenzie.com>

Please see attached letter. Appendices A - D will follow in separate emails. We will be messenger a CD containing all the documents tomorrow morning. Please contact John Watson directly at (312) 861-2646 if you have any questions. Thank you.

Ada Cortes  
Assistant to John W. Watson

Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
[Ada.Cortes@Bakermckenzie.com](mailto:Ada.Cortes@Bakermckenzie.com)

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EPA-R5-2016-006046-52

**Kasey Barton /R5/USEPA/US**

05/31/2012 11:15 AM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject Peabody Proposed Sampling Plan

Hi John,

We have reviewed Peabody's proposed sampling plan. We would like to set up a call with you and Peabody's technical team in order to come to an agreement on the scope of the plan.

Could you please let me know Peabody's availability for tomorrow, Monday or Tuesday of next week? We need to have this discussion as soon as possible because we are already behind our proposed schedule in the 308 request.

Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

EPA-R5-2016-006046-53

"Watson, John W"  
<[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

06/01/2012 12:29 PM

To Kasey Barton

cc

bcc

Subject RE: Peabody Proposed Sampling Plan

Thank you for your note Kasey. The Peabody team is available on Tuesday morning for a call to discuss the proposed sampling plan - the earlier in the day, the better. We would propose 8 am. Let me know if that time works. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]

**Sent:** Thursday, May 31, 2012 11:16 AM

**To:** Watson, John W

**Subject:** Peabody Proposed Sampling Plan

Hi John,

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EPA-R5-2016-006046-54

**Kasey Barton /R5/USEPA/US**

06/01/2012 04:57 PM

To "Watson, John W"

cc

bcc

Subject RE: Peabody Proposed Sampling Plan

Thanks for getting back to me so quickly. That may work; I'm waiting to hear back from someone on Monday and then I'll let you know.

Kasey Barton  
Assistant Regional Counsel  
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Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

Thank you for your note Kasey. The...

06/01/2012 12:29:53 PM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 06/01/2012 12:29 PM  
Subject: RE: Peabody Proposed Sampling Plan

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EPA-R5-2016-006046-55

**Kasey Barton /R5/USEPA/US**

06/04/2012 02:35 PM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject RE: Peabody Proposed Sampling Plan

Hi John,

The earliest we can be available tomorrow is 12 pm central. Will that time work for you and Peabody?

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06/01/2012 12:29:53 PM

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EPA-R5-2016-006046-56

"Watson, John W"  
<John.Watson@bakermckenzie.com>

06/04/2012 04:45 PM

To Kasey Barton

cc

bcc

Subject RE: Peabody Proposed Sampling Plan

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**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]  
**Sent:** Monday, June 04, 2012 2:36 PM  
**To:** Watson, John W  
**Subject:** RE: Peabody Proposed Sampling Plan

Hi John,

The earliest we can be available tomorrow is 12 pm central. Will that time work for you and Peabody?

Kasey Barton  
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To: Kasey Barton/R5/USEPA/US@EPA  
Date: 06/01/2012 12:29 PM  
Subject: RE: Peabody Proposed Sampling Plan

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EPA-R5-2016-006046-57

**Kasey Barton /R5/USEPA/US**

06/05/2012 08:58 AM

To "Watson, John W"

cc

bcc

Subject RE: Peabody Proposed Sampling Plan

I'm sorry, but I don't think that works for a couple of people here. I will get back to you with a couple of other proposed times.

Thanks,  
Kasey

-----"Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)> wrote: -----

To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

Date: 06/04/2012 04:45PM

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**To:** Watson, John W

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From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 06/01/2012 12:29 PM  
Subject: RE: Peabody Proposed Sampling Plan

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EPA-R5-2016-006046-58

**Kasey Barton /R5/USEPA/US**

06/05/2012 09:03 AM

To Janet Pellegrini

cc

bcc

Subject Fw: RE: Peabody Proposed Sampling Plan

I meant to bcc you on this email - here is the latest.

-----Forwarded by Kasey Barton/R5/USEPA/US on 06/05/2012 09:02AM -----

To: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

From: Kasey Barton/R5/USEPA/US

Date: 06/05/2012 08:58AM

Subject: RE: Peabody Proposed Sampling Plan

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To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

Date: 06/04/2012 04:45PM

Subject: RE: Peabody Proposed Sampling Plan

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**Sent:** Monday, June 04, 2012 2:36 PM

**To:** Watson, John W

**Subject:** RE: Peabody Proposed Sampling Plan

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EPA-R5-2016-006046-59

"Watson, John W"  
<John.Watson@bakermckenzie.com>

06/06/2012 07:55 AM

To Kasey Barton

cc

bcc

Subject Re: Peabody Proposed Sampling Plan

We are available this afternoon at 2 pm. I am out of town today so can you circulate a call in number .  
Thanks.

**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]

**Sent:** Tuesday, June 05, 2012 10:54 AM

**To:** Watson, John W

**Subject:** RE: Peabody Proposed Sampling Plan

Hi John,

Here are the times that we are available for the next few days. Please let me know what works best for you and Peabody.

Tuesday June 5th (today)  
3-4 pm

Wednesday June 6th

11am - Noon

2-3pm

Thursday June 7th

10am- 11am

Thank you,  
Kasey

-----"Watson, John W" <John.Watson@bakermckenzie.com> wrote: -----

To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <John.Watson@bakermckenzie.com>

Date: 06/04/2012 04:45PM

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EPA-R5-2016-006046-60

**Kasey Barton /R5/USEPA/US**

06/06/2012 10:48 AM

To "Watson, John W"

cc Janet Pellegrini

bcc

Subject Re: Peabody Proposed Sampling Plan

Call-in information is below.

We look forward to speaking with you at 2pm.

Call in number: (877) 226-9607

Conf code #: 9980159052

Thanks,

Kasey

-----"Watson, John W" <John.Watson@bakermckenzie.com> wrote: -----

To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <John.Watson@bakermckenzie.com>

Date: 06/06/2012 07:55AM

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Phone: (312) 886-7163

---

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 06/01/2012 12:29 PM  
Subject: RE: Peabody Proposed Sampling Plan

---



Thank you for your note Kasey. The Peabody team is available on Tuesday morning for a call to discuss the proposed sampling plan - the earlier in the day, the better. We would propose 8 am. Let me know if that time works. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell:+1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Thursday, May 31, 2012 11:16 AM  
**To:** Watson, John W  
**Subject:** Peabody Proposed Sampling Plan

Hi John,

We have reviewed Peabody's proposed sampling plan. We would like to set up a call with you and Peabody's technical team in order to come to an agreement on the scope of the plan.

Could you please let me know Peabody's availability for tomorrow, Monday or Tuesday of next week? We need to have this discussion as soon as possible because we are already behind our proposed schedule in the 308 request.

Sincerely,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

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EPA-R5-2016-006046-61

**Janet  
Pellegrini /R5/USEPA/US**  
06/06/2012 03:48 PM

To EFry, BWest, SMcGarvie  
cc Kasey Barton, John.Watson, Robert Pepin  
bcc Kevin Pierard, Patrick Kuefler  
Subject EPA's requests re Peabody's Sampling plan for Bear Run

Bryce, et. al.,

Per our conference call discussion this afternoon, below are the items EPA is requesting be added to Peabody's proposed sampling plan dated May 23, 2012 for Bear Run Mine. Please submit your revised sampling plan to EPA Region 5 by tomorrow afternoon June 7, 2012, as agreed upon within our call today.

1. Effluent sampling:

- A. All EPA, March 22, 2012 letter originally requested parameters for chemical testing of effluent be included for sampling and testing :
  - 1. Metals: iron, manganese, aluminum, vanadium
  - 2. Specific conductance (Lab)
  - 3. Cations: calcium, magnesium, sodium, and potassium
  - 4. Anions: bicarbonate and phosphate
  - 5. TDS (Lab)
- B. All metal sampling and analysis, as stated in our March 22, 2012 Section 308 letter, "must include methods for both dissolved and total metals."
- C. Also as stated in March 22, 2012 letter, "Selenium analysis must use low level methods such that quantification level is 1.0 ug/L or lower."
- D. Add Effluent location selection of NPDES outfall #054, which would bring total effluent sample locations to six.

2. Biological & Physical Habitat Sampling:

- A. Add another sample location for biological and physical habitat sampling, that of downstream of NPDES outfall #054, this inclusion would bring the total of sample locations for biological and physical habitat to three.

thanks,  
Janet

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

EPA-R5-2016-006046-62

**"Watson, John W"**  
<[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

06/07/2012 04:44 PM

To Kasey Barton

cc "Fry, Eric", "West, Bryce", "Yingling, Mark"

bcc

Subject Peabody - Bear Run - Proposed Effluent Sampling Plan

As promised, I am forwarding you the attached response from Peabody in response to EPA's request to expand the scope of the proposed sampling plan at Bear Run pursuant to the Agency's 308 request. As you will note, Peabody is prepared to increase the number of parameters analyzed and conduct additional monitoring pursuant to your request. There are a few parameters, however, that Peabody is unwilling to analyze for as they simply bear no rational relationship to Clean Water Act effluent discharge or water quality concerns associated with Bear Run and other coal mining operations in the region. Peabody believes strongly that the plan proposed is, by way of concession, exceedingly expansive and therefore fully responsive to the Agency's request. Peabody is prepared to commence the sampling immediately upon approval and, weather permitting, should be able to collect two rounds of sampling in June as requested by the Agency.

Please let us know if you have additional questions.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
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this message. Response to EPA 308 request 060712.docx

EPA-R5-2016-006046-63

**Kasey Barton /R5/USEPA/US**

06/07/2012 04:58 PM

To Janet Pellegrini, Kevin Pierard, Patrick Kuefler, Robert Pepin

cc

bcc

Subject Fw: Peabody - Bear Run - Proposed Effluent Sampling Plan

Please see the proposal from Peabody, below. Janet and I are out of the office until Monday, so we can meet then and discuss next steps.

Thanks,  
Kasey

-----Forwarded by Kasey Barton/R5/USEPA/US on 06/07/2012 04:56PM -----

To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

Date: 06/07/2012 04:44PM

Cc: "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>, "West, Bryce" <[BWest@peabodyenergy.com](mailto:BWest@peabodyenergy.com)>, "Yingling, Mark" <[MYingling@peabodyenergy.com](mailto:MYingling@peabodyenergy.com)>

Subject: Peabody - Bear Run - Proposed Effluent Sampling Plan

*(See attached file: Response to EPA 308 request 060712.docx)*

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Response to EPA 308 request 060712.docx

EPA-R5-2016-006046-64

**Kasey Barton /R5/USEPA/US**

06/07/2012 05:19 PM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject Re: Peabody - Bear Run - Proposed Effluent Sampling Plan

Thank you John. It is very disappointing to see that Peabody has not included everything we requested during yesterday's call. Especially given that we have been willing to accept leaving out certain components that we had originally requested be included in the plan. Our reason for leaving those components out was based in part on the fact that we believed we could still obtain the information we need if Peabody included the parameters we requested for effluent sampling. We do have the authority to request sampling in order develop effluent standards under the Act, and the requested parameters have a direct relationship to Peabody's operations at Bear Run and do not impose an unreasonable burden on the company.

I won't be able to discuss this with Janet until Monday. We will get back to you then.

Thanks,  
Kasey

-----"Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)> wrote: -----

To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

Date: 06/07/2012 04:44PM

Cc: "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>, "West, Bryce" <[BWest@peabodyenergy.com](mailto:BWest@peabodyenergy.com)>, "Yingling, Mark" <[MYingling@peabodyenergy.com](mailto:MYingling@peabodyenergy.com)>

Subject: Peabody - Bear Run - Proposed Effluent Sampling Plan

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Partner  
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[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

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[attachment "Response to EPA 308 request 060712.docx" removed by Kasey Barton/R5/USEPA/US]



EPA-R5-2016-006046-65

"Watson, John W"  
<John.Watson@bakermckenzie.com>

06/12/2012 07:00 AM

To Kasey Barton

cc

bcc

Subject RE: Peabody - Bear Run - Proposed Effluent Sampling Plan

Sorry for the delayed response. I am traveling this week. I can be available for a call today between 9:30 am and 12 noon. Let me know what works and I will call you.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601  
(w) 312-861-2646  
(c) 312-848-9474  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

---

**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]  
**Sent:** Monday, June 11, 2012 1:50 PM  
**To:** Watson, John W  
**Subject:** Fw: Peabody - Bear Run - Proposed Effluent Sampling Plan

Hi John,

Do you have some time available to talk about this today or tomorrow?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 06/11/2012 01:46 PM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 06/07/2012 05:19 PM  
Subject: Re: Peabody - Bear Run - Proposed Effluent Sampling Plan

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during yesterday's call. Especially given that we have been willing to accept leaving out certain components that we had originally requested be included in the plan. Our reason for leaving those components out was based in part on the fact that we believed we could still obtain the information we need if Peabody included the parameters we requested for effluent sampling. We do have the authority to request sampling in order develop effluent standards under the Act, and the requested parameters have a direct relationship to Peabody's operations at Bear Run and do not impose an unreasonable burden on the company.

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Thanks,  
Kasey

-----"Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)> wrote: -----

To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

Date: 06/07/2012 04:44PM

Cc: "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>, "West, Bryce" <[BWest@peabodyenergy.com](mailto:BWest@peabodyenergy.com)>, "Yingling, Mark" <[MYingling@peabodyenergy.com](mailto:MYingling@peabodyenergy.com)>

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Please let us know if you have additional questions.

John W. Watson

Partner

Baker & McKenzie LLP

300 E. Randolph Street, Suite 5000

Chicago, Illinois 60601, USA

Tel: +1 312 861 2646

Cell:+1 312 848 9474

Fax: +1 312 698 2969

[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

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EPA-R5-2016-006046-66

"Watson, John W"  
<John.Watson@bakermckenzie.com>

06/12/2012 10:17 AM

To Kasey Barton

cc

bcc

Subject RE: Peabody - Bear Run - Proposed Effluent Sampling Plan

I will call you at 10:30 am. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601  
(w) 312-861-2646  
(c) 312-848-9474  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

---

**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]  
**Sent:** Tuesday, June 12, 2012 8:49 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody - Bear Run - Proposed Effluent Sampling Plan

Thanks. How about 10:30 am?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

---

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 06/12/2012 07:01 AM  
Subject: RE: Peabody - Bear Run - Proposed Effluent Sampling Plan

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John W. Watson  
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**Subject:** Fw: Peabody - Bear Run - Proposed Effluent Sampling Plan

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Kasey Barton  
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Chicago, IL 60604  
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To: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>  
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I won't be able to discuss this with Janet until Monday . We will get back to you then .

Thanks,  
Kasey

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To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

Date: 06/07/2012 04:44PM

Cc: "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>, "West, Bryce" <[BWest@peabodyenergy.com](mailto:BWest@peabodyenergy.com)>, "Yingling, Mark" <[MYingling@peabodyenergy.com](mailto:MYingling@peabodyenergy.com)>

Subject: Peabody - Bear Run - Proposed Effluent Sampling Plan

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Please let us know if you have additional questions.

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EPA-R5-2016-006046-67

**Kasey Barton /R5/USEPA/US**

06/12/2012 04:33 PM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject Re: Peabody - Bear Run - Proposed Sampling Plan

Hi John,

Thank you for talking to us today. As we discussed, I have attached a brief explanation that outlines the requirements that must be included in Peabody's sampling plan. We would like to resolve this as soon as possible so that sampling can begin this month, as planned.



Requirements for Peabody Sampling Plan 6 12 12.docx

Please let me know if you have any questions.

Thank you,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

I will call you at 10:30 am. Thanks.

06/12/2012 10:17:51 AM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 06/12/2012 10:17 AM  
Subject: RE: Peabody - Bear Run - Proposed Effluent Sampling Plan

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**Sent:** Tuesday, June 12, 2012 8:49 AM  
**To:** Watson, John W  
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Thanks. How about 10:30 am?

Kasey Barton  
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To: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>  
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From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>  
Date: 06/07/2012 04:44PM  
Cc: "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>, "West, Bryce" <[BWest@peabodyenergy.com](mailto:BWest@peabodyenergy.com)>, "Yingling, Mark" <[MYingling@peabodyenergy.com](mailto:MYingling@peabodyenergy.com)>  
Subject: Peabody - Bear Run - Proposed Effluent Sampling Plan

As promised, I am forwarding you the attached response from Peabody in response to EPA's request to expand the scope of the proposed sampling plan at Bear Run pursuant to the Agency's 308 request. As you will note, Peabody is prepared to increase the number of parameters analyzed and conduct additional monitoring pursuant to your request. There are a few parameters, however, that Peabody is unwilling to analyze for as they simply bear no rational relationship to Clean Water Act effluent discharge or water quality concerns associated with Bear Run and other coal mining operations in the region. Peabody believes strongly that the plan proposed is, by way of concession, exceedingly expansive and therefore fully responsive to the Agency's request. Peabody is prepared to commence the sampling immediately upon approval and, weather permitting, should be able to collect two rounds of sampling in June as requested by the Agency.

Please let us know if you have additional questions.

John W. Watson

Partner

Baker & McKenzie LLP

300 E. Randolph Street, Suite 5000

Chicago, Illinois 60601, USA

Tel: +1 312 861 2646

Cell: +1 312 848 9474

Fax: +1 312 698 2969

[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

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[attachment "Response to EPA 308 request 060712.docx" removed by Kasey Barton/R5/USEPA/US]

EPA-R5-2016-006046-68

**Kasey Barton /R5/USEPA/US**

06/15/2012 09:23 AM

To "Watson, John W"

cc

bcc

Subject Fw: Peabody - Bear Run - Proposed Sampling Plan

Hi John,

Were you able to follow-up with Peabody about our phone call this week? We would like to come to an agreement about our plan this week, so that sampling can begin. I will be in the office today if you would like to talk.

Thanks,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 06/15/2012 09:21 AM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 06/12/2012 04:33 PM  
Subject: Re: Peabody - Bear Run - Proposed Sampling Plan

---

Hi John,

Thank you for talking to us today. As we discussed, I have attached a brief explanation that outlines the requirements that must be included in Peabody's sampling plan. We would like to resolve this as soon as possible so that sampling can begin this month, as planned.



Requirements for Peabody Sampling Plan 6 12 12.docx

Please let me know if you have any questions.

Thank you,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

I will call you at 10:30 am. Thanks.

06/12/2012 10:17:51 AM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 06/12/2012 10:17 AM  
Subject: RE: Peabody - Bear Run - Proposed Effluent Sampling Plan

---

I will call you at 10:30 am. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601  
(w) 312-861-2646  
(c) 312-848-9474  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

---

**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]  
**Sent:** Tuesday, June 12, 2012 8:49 AM  
**To:** Watson, John W  
**Subject:** RE: Peabody - Bear Run - Proposed Effluent Sampling Plan

Thanks. How about 10:30 am?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 06/12/2012 07:01 AM  
Subject: RE: Peabody - Bear Run - Proposed Effluent Sampling Plan

---

Sorry for the delayed response. I am traveling this week. I can be available for a call today between 9:30 am and 12 noon. Let me know what works and I will call you.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601  
(w) 312-861-2646  
(c) 312-848-9474  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

---

**From:** Kasey Barton [<mailto:Barton.Kasey@epamail.epa.gov>]  
**Sent:** Monday, June 11, 2012 1:50 PM  
**To:** Watson, John W  
**Subject:** Fw: Peabody - Bear Run - Proposed Effluent Sampling Plan

Hi John,

Do you have some time available to talk about this today or tomorrow?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 06/11/2012 01:46 PM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>  
Date: 06/07/2012 05:19 PM  
Subject: Re: Peabody - Bear Run - Proposed Effluent Sampling Plan

---

Thank you John. It is very disappointing to see that Peabody has not included everything we requested during yesterday's call. Especially given that we have been willing to accept leaving out certain components that we had originally requested be included in the plan. Our reason for leaving those components out was based in part on the fact that we believed we could still obtain the information we need if Peabody included the parameters we requested for effluent sampling. We do have the authority to request sampling in order develop effluent standards under the Act, and the requested parameters have a direct relationship to Peabody's operations at Bear Run and do not impose an unreasonable burden on the company.

I won't be able to discuss this with Janet until Monday . We will get back to you then .

Thanks,  
Kasey

-----"Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)> wrote: -----

To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <[John.Watson@bakermckenzie.com](mailto:John.Watson@bakermckenzie.com)>

Date: 06/07/2012 04:44PM

Cc: "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>, "West, Bryce" <[BWest@peabodyenergy.com](mailto:BWest@peabodyenergy.com)>, "Yingling, Mark" <[MYingling@peabodyenergy.com](mailto:MYingling@peabodyenergy.com)>

Subject: Peabody - Bear Run - Proposed Effluent Sampling Plan

As promised, I am forwarding you the attached response from Peabody in response to EPA's request to expand the scope of the proposed sampling plan at Bear Run pursuant to the Agency's 308 request. As you will note, Peabody is prepared to increase the number of parameters analyzed and conduct additional monitoring pursuant to your request. There are a few parameters, however, that Peabody is unwilling to analyze for as they simply bear no rational relationship to Clean Water Act effluent discharge or water quality concerns associated with Bear Run and other coal mining operations in the region. Peabody believes strongly that the plan proposed is, by way of concession, exceedingly expansive and therefore fully responsive to the Agency's request. Peabody is prepared to commence the sampling immediately upon approval and, weather permitting, should be able to collect two rounds of sampling in June as requested by the Agency.

Please let us know if you have additional questions.

John W. Watson

Partner

Baker & McKenzie LLP

300 E. Randolph Street, Suite 5000

Chicago, Illinois 60601, USA

Tel: +1 312 861 2646

Cell:+1 312 848 9474

Fax: +1 312 698 2969

[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

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[attachment "Response to EPA 308 request 060712.docx" removed by Kasey Barton/R5/USEPA/US]





EPA-R5-2016-006046-69

**Kasey Barton /R5/USEPA/US**

06/21/2012 01:33 PM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject Re: Fw: Peabody - Bear Run - Proposed Sampling Plan

John,

We still haven't received Peabody's amended sampling plan. It was my understanding based on our phone conversation earlier this week that while we may disagree on the scope of EPA's CWA Section 308 authority, Peabody agrees to sample for our requested parameters and include a sampling location downstream from an active mining area. We need to receive a written response amending Peabody's proposed sampling plan by the end of the day tomorrow. If that presents any issues, please call me to discuss.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

Kasey Barton

Hi John, Were you able to follow-up wi...

06/15/2012 09:23:29 AM

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 06/15/2012 09:23 AM  
Subject: Fw: Peabody - Bear Run - Proposed Sampling Plan

---

Hi John,

Were you able to follow-up with Peabody about our phone call this week? We would like to come to an agreement about our plan this week, so that sampling can begin. I will be in the office today if you would like to talk.

Thanks,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 06/15/2012 09:21 AM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>

Date: 06/12/2012 04:33 PM  
Subject: Re: Peabody - Bear Run - Proposed Sampling Plan

---

Hi John,

Thank you for talking to us today. As we discussed, I have attached a brief explanation that outlines the requirements that must be included in Peabody's sampling plan. We would like to resolve this as soon as possible so that sampling can begin this month, as planned.

[attachment "Requirements for Peabody Sampling Plan 6 12 12.docx" deleted by Kasey Barton/R5/USEPA/US]

Please let me know if you have any questions.

Thank you,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W" I will call you at 10:30 am. Thanks.

06/12/2012 10:17:51 AM

EPA-R5-2016-006046-70

**Kasey Barton /R5/USEPA/US**

06/21/2012 01:33 PM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject Re: Fw: Peabody - Bear Run - Proposed Sampling Plan

John,

We still haven't received Peabody's amended sampling plan. It was my understanding based on our phone conversation earlier this week that while we may disagree on the scope of EPA's CWA Section 308 authority, Peabody agrees to sample for our requested parameters and include a sampling location downstream from an active mining area. We need to receive a written response amending Peabody's proposed sampling plan by the end of the day tomorrow. If that presents any issues, please call me to discuss.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

Kasey Barton

Hi John, Were you able to follow-up wi...

06/15/2012 09:23:29 AM

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>  
Date: 06/15/2012 09:23 AM  
Subject: Fw: Peabody - Bear Run - Proposed Sampling Plan

---

Hi John,

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Thanks,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 06/15/2012 09:21 AM -----

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>

Date: 06/12/2012 04:33 PM  
Subject: Re: Peabody - Bear Run - Proposed Sampling Plan

---

Hi John,

Thank you for talking to us today. As we discussed, I have attached a brief explanation that outlines the requirements that must be included in Peabody's sampling plan. We would like to resolve this as soon as possible so that sampling can begin this month, as planned.

[attachment "Requirements for Peabody Sampling Plan 6 12 12.docx" deleted by Kasey Barton/R5/USEPA/US]

Please let me know if you have any questions.

Thank you,

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W" I will call you at 10:30 am. Thanks.

06/12/2012 10:17:51 AM

EPA-R5-2016-006046-71

"Watson, John W"  
<John.Watson@bakermckenzie.com>

06/22/2012 04:53 PM

To Kasey Barton

cc

bcc

Subject FW: Bear Run privledged and confidential

See summary of revisions to the proposed Effluent Sampling Plan and information on a scheduled start date. We will be sending you the revised Effluent Sampling Plan on Monday morning. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** West, Bryce [mailto:BWest@peabodyenergy.com]

**Sent:** Friday, June 22, 2012 12:32 PM

**To:** Fry, Eric; Watson, John W; Yingling, Mark

**Cc:** McGarvie, Scott D.; Holcomb, Kent

**Subject:** RE: Bear Run privledged and confidential

John

We will add outfall 18R to our sampling plan and collect a corresponding bio sample. The parameter list has been revised to include EPA's latest request. As far as a start date, the forecast is dry again for at least another week, so we will start in July. We are well below the annual rainfall averag ytd. We will have the final revised Effluent Sampling Plan for you on Monday.

Initial outfalls: 03R (reclaim), 044 (prep), 053 (mine), 058 (mine), 062 (prep)

Additional outfall: 18R (mine)

Bio surveys: 03R, 18R, 062

Proposed parameters:

Last 308 Request	Final Peabody Proposal
Cations	
calcium	calcium
magnesium	magnesium
sodium	sodium
potassium	potassium
Anions	
chloride	chloride
sulfate	sulfate

bicarbonate	bicarbonate
Total Metals	
aluminum	aluminum
cadmium	cadmium
chromium	chromium
iron	iron
manganese	manganese
mercury*	mercury*
selenium*	selenium*
vanadium	vanadium
zinc	zinc
Dissolved Metals	
aluminum	aluminum
cadmium	cadmium
chromium	chromium
iron	iron
manganese	manganese
mercury*	mercury*
selenium*	selenium*
vanadium	vanadium
zinc	zinc
WQ Indicator Parameters	
pH	pH (field)
TDS	TDS (lab)
SpC	SpC (lab)

\* Low level method

Thanks  
Bryce

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EPA-R5-2016-006046-72

**Kasey Barton /R5/USEPA/US**

06/22/2012 05:08 PM

To Janet Pellegrini

cc

bcc

Subject Fw: Bear Run privledged and confidential

Information from Peabody about the sampling plan below.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

----- Forwarded by Kasey Barton/R5/USEPA/US on 06/22/2012 05:06 PM -----

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 06/22/2012 04:53 PM  
Subject: FW: Bear Run privledged and confidential

---

See summary of revisions to the proposed Effluent Sampling Plan and information on a scheduled start date. We will be sending you the revised Effluent Sampling Plan on Monday morning. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** West, Bryce [mailto:BWest@peabodyenergy.com]  
**Sent:** Friday, June 22, 2012 12:32 PM  
**To:** Fry, Eric; Watson, John W; Yingling, Mark  
**Cc:** McGarvie, Scott D.; Holcomb, Kent  
**Subject:** RE: Bear Run privledged and confidential

John

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Initial outfalls: 03R (reclaim), 044 (prep), 053 (mine), 058 (mine), 062 (prep)

Additional outfall: 18R (mine)

Bio surveys: 03R, 18R, 062

Proposed parameters:

Last 308 Request	Final Peabody Proposal
Cations	
calcium	calcium
magnesium	magnesium
sodium	sodium
potassium	potassium
Anions	
chloride	chloride
sulfate	sulfate
bicarbonate	bicarbonate
Total Metals	
aluminum	aluminum
cadmium	cadmium
chromium	chromium
iron	iron
manganese	manganese
mercury*	mercury*
selenium*	selenium*
vanadium	vanadium
zinc	zinc
Dissolved Metals	
aluminum	aluminum
cadmium	cadmium
chromium	chromium
iron	iron
manganese	manganese
mercury*	mercury*
selenium*	selenium*
vanadium	vanadium
zinc	zinc
WQ Indicator Parameters	
pH	pH (field)
TDS	TDS (lab)
SpC	SpC (lab)

\* Low level method

Thanks  
Bryce

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EPA-R5-2016-006046-73

**Kasey Barton /R5/USEPA/US**

06/25/2012 09:28 AM

To "Watson, John W"

cc

bcc

Subject Re: FW: Bear Run privledged and confidential

Thanks -- we look forward to receiving the revised Sampling Plan this morning .

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"

[See summary of revisions to the pro...](#)

06/22/2012 04:53:08 PM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 06/22/2012 04:53 PM  
Subject: FW: Bear Run privledged and confidential

---

[See summary of revisions to the proposed Effluent Sampling Plan and information on a scheduled start date.](#) We will be sending you the revised Effluent Sampling Plan on Monday morning. Thanks.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

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**From:** West, Bryce [mailto:BWest@peabodyenergy.com]  
**Sent:** Friday, June 22, 2012 12:32 PM  
**To:** Fry, Eric; Watson, John W; Yingling, Mark  
**Cc:** McGarvie, Scott D.; Holcomb, Kent  
**Subject:** RE: Bear Run privledged and confidential

John

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Last 308 Request	Final Peabody Proposal
Cations	
calcium	calcium
magnesium	magnesium
sodium	sodium
potassium	potassium
Anions	
chloride	chloride
sulfate	sulfate
bicarbonate	bicarbonate
Total Metals	
aluminum	aluminum
cadmium	cadmium
chromium	chromium
iron	iron
manganese	manganese
mercury*	mercury*
selenium*	selenium*
vanadium	vanadium
zinc	zinc
Dissolved Metals	
aluminum	aluminum
cadmium	cadmium
chromium	chromium
iron	iron
manganese	manganese
mercury*	mercury*
selenium*	selenium*
vanadium	vanadium
zinc	zinc
WQ Indicator Parameters	
pH	pH (field)
TDS	TDS (lab)
SpC	SpC (lab)

\* Low level method

Thanks  
Bryce

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EPA-R5-2016-006046-74

**"Watson, John W"**  
**<John.Watson@bakermckenzie.com>**

06/25/2012 02:14 PM

To Kasey Barton

cc

bcc

Subject Peabody Midwest Mining, LLC - Bear Run - Revised Effluent Sampling Plan

See the attached revised Effluent Sampling Plan for Bear Run for your review and approval. I am working on a companion letter, but, in the interest of time, thought I would send you the revised Plan. Let me know if you have any questions. Otherwise, we look forward to written confirmation of the Agency's approval of the proposed Plan.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

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this message. EPA Effluent Sampling Plan 25Jun2012.pdf

EPA-R5-2016-006046-75

"Watson, John W"  
<John.Watson@bakermckenzie.com>

06/26/2012 02:22 PM

To Kasey Barton

cc

bcc

Subject RE: Peabody Midwest Mining, LLC - Bear Run - Revised Effluent Sampling Plan

I am free now until 4 pm, then I have a meeting for an hour or so. Will be back at my desk after that. Call me if you wish before then.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
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Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

---

**From:** Kasey Barton [mailto:Barton.Kasey@epamail.epa.gov]

**Sent:** Tuesday, June 26, 2012 12:52 PM

**To:** Watson, John W

**Subject:** Re: Peabody Midwest Mining, LLC - Bear Run - Revised Effluent Sampling Plan

John,

Do you have time to talk to us this afternoon around 4 pm?

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

---

From: "Watson, John W" <John.Watson@bakermckenzie.com>

To: Kasey Barton/R5/USEPA/US@EPA

Date: 06/25/2012 02:15 PM

Subject: Peabody Midwest Mining, LLC - Bear Run - Revised Effluent Sampling Plan

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EPA-R5-2016-006046-76

"West, Bryce"  
<BWest@peabodyenergy.com  
>

06/27/2012 06:42 AM

To Janet Pellegrini  
cc "McGarvie, Scott D.", "Fry, Eric"  
bcc

Subject

Janet

I'm away on vacation this week, and your voice mail did not come thru very well. I believe you were asking about a no flow situation. Give Scott or Eric a call if you have a question.  
812-434-8500.

Thanks

Bryce

-----  
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EPA-R5-2016-006046-77

"McGarvie, Scott D."  
<SMcGarvie@peabodyenergy  
.com>

06/27/2012 10:46 AM

To Janet Pellegrini  
cc "Fry, Eric", "West, Bryce"  
bcc  
Subject RE:

Janet:

NPDES samples are collected only when the outfall is flowing. The two types of flow conditions are base flow (dry conditions) or precipitation (wet conditions). The plan specifies that effluent samples will be collected from each of the listed outfalls twice a month for a total of four months. Sample collection will be dependent on the discharge condition, with one sample collected under base flow conditions and the other sample collected under precipitation conditions. A non-flowing outfall is not sampled and is reported as a no-flow.

Does this help?

Thanks ... Scott

**From:** Janet Pellegrini [mailto:Pellegrini.Janet@epamail.epa.gov]  
**Sent:** Wednesday, June 27, 2012 9:54 AM  
**To:** West, Bryce  
**Cc:** Fry, Eric; McGarvie, Scott D.  
**Subject:** Re:

Bryce,  
Thanks for responding, especially since you are on vacation.  
I will send my question to Eric and Scott

Eric, Scott,  
I understand from reviewing all of the data you've submitted that sampling does take place even when there is no flow at an NPDES outfall.  
Can you explain how that is done?  
Additionally, the sampling plan submitted in response to the 308 request includes sampling during a base flow condition, can you also define that condition and how the sampling is done for that event as well?

thanks much,

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

▼ "West, Bryce" ---06/27/2012 06:42:15 AM---Janet I'm away on vacation this week, and your voice mail did not come thru very well. I believe you

From: "West, Bryce" <BWest@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>, "Fry, Eric" <EFry@peabodyenergy.com>  
Date: 06/27/2012 06:42 AM  
Subject:

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EPA-R5-2016-006046-78

**Kasey Barton /R5/USEPA/US**

06/27/2012 04:49 PM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject RE: Peabody Midwest Mining, LLC - Bear Run - Revised Effluent Sampling Plan

Hi John,

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"Watson, John W"

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06/26/2012 02:23:01 PM

From: "Watson, John W" <John.Watson@bakermckenzie.com>  
To: Kasey Barton/R5/USEPA/US@EPA  
Date: 06/26/2012 02:23 PM  
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EPA-R5-2016-006046-79

**"Watson, John W"**  
<John.Watson@bakermckenzie.com>

06/27/2012 05:05 PM

To Kasey Barton  
cc  
bcc  
Subject Re: Peabody Midwest Mining, LLC - Bear Run - Revised Effluent Sampling Plan

I am out of town again today. Will send tomorrow am. Thanks.n

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EPA-R5-2016-006046-80

**Kasey Barton /R5/USEPA/US**

06/27/2012 05:15 PM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject Re: Peabody Midwest Mining, LLC - Bear Run - Revised Effluent Sampling Plan

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"Watson, John W"

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06/27/2012 05:05:23 PM

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EPA-R5-2016-006046-81

**Kasey Barton /R5/USEPA/US**

06/27/2012 05:15 PM

To "Watson, John W"

cc

bcc Janet Pellegrini

Subject Re: Peabody Midwest Mining, LLC - Bear Run - Revised Effluent Sampling Plan

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EPA-R5-2016-006046-82

**Kasey Barton /R5/USEPA/US**

06/28/2012 11:29 AM

To "Watson, John W"

cc

bcc

Subject Re: Peabody Midwest Mining, LLC - Bear Run - Revised Effluent Sampling Plan

Hi John,

Please copy Janet Pellegrini when you email me the revised Sampling Plan today . I won't have access to email for the rest of the week, and I want to make sure she receives a copy as soon as possible .

Thanks,  
Kasey

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To: Kasey Barton/R5/USEPA/US@EPA

From: "Watson, John W" <John.Watson@bakermckenzie.com>

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---

See the attached revised Effluent Sampling Plan for Bear Run for your review and approval. I am working on a companion letter, but, in the interest of time, thought I would send you the revised Plan. Let me know if you have any questions. Otherwise, we look forward to written confirmation of the Agency's approval of the proposed Plan.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
[john.watson@bakermckenzie.com](mailto:john.watson@bakermckenzie.com)

Our offices have moved. Please note our new address.

Pursuant to requirements related to practice before the Internal Revenue Service, any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for the purposes of (i) avoiding penalties imposed under the United States Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

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EPA-R5-2016-006046-83

**Janet  
Pellegrini/R5/USEPA/US**  
06/28/2012 01:18 PM

To Kasey Barton  
cc Patrick Kuefler, Kevin Pierard  
bcc  
Subject Re: Peabody Midwest Mining, LLC - Bear Run - Revised  
Effluent Sampling Plan

Kasey,  
Could you let Mr Watson know he can email the final sampling plan to myself , my Section Chief, Patrick Kuefler and my BC Kevin Pierard, since you will be out of the office the rest of today and I will be out tomorrow. I dont want to be a road block to finalizing this plan , by my absence from the office on friday. This way we are covered to receive it ASAP.  
thanks much,  
Janet

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

Kasey Barton	Thanks -- we look forward to receiving i...	06/27/2012 05:15:38 PM
--------------	---	------------------------

From: Kasey Barton/R5/USEPA/US  
To: "Watson, John W" <John.Watson@bakermckenzie.com>,  
Date: 06/27/2012 05:15 PM  
Subject: Re: Peabody Midwest Mining, LLC - Bear Run - Revised Effluent Sampling Plan

---

Thanks -- we look forward to receiving it.

Kasey Barton  
Assistant Regional Counsel  
US EPA Region 5 (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
Phone: (312) 886-7163

"Watson, John W"	I am out of town again today. Will se...	06/27/2012 05:05:23 PM
------------------	--	------------------------

EPA-R5-2016-006046-84

**"Watson, John W"**  
<John.Watson@bakermckenzie.com>

Sent by: "Cortes, Ada"  
<Ada.Cortes@bakermckenzie.com>

To Kasey Barton  
cc Janet Pellegrini  
bcc  
Subject Letter to Kasey Barton - June 28, 2012

06/28/2012 03:58 PM

<<Letter to Kasey Barton - June 28, 2012.pdf>>  
Please see attached letter. Thank you.

Ada Cortes  
Assistant to John W. Watson

Baker & McKenzie LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312-861-2964  
Fax: +1 312-698-2972  
Ada.Cortes@Bakermckenzie.com

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**Letter to Kasey Barton - June 28, 2012.pdf**

EPA-R5-2016-006046-85

**Ignacio  
Arrazola/R5/USEPA/US**  
06/29/2012 09:11 AM

To John.Watson  
cc Kasey Barton  
bcc  
Subject Revised Effluent Sampling Plan - Peabody Midwest Mining,  
LLC - Bear Run Mine

Dear Mr. Watson:

Thank you for your letter, dated June 28, 2012, addressed to Kasey Barton. Ms. Barton is out of the office today, and will be back in the office on Monday, July 2, 2012. The revised Effluent Sampling Plan/Biomonitoring Assessment Plan attached as Appendix A to your letter addresses EPA's most recent comments. We have no further comment. We request that you implement the plan as soon as possible.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Ignacio L. Arrazola  
Associate Branch Chief  
Multi-Media Branch I  
Office of Regional Counsel  
U.S. EPA (C-14J)  
77 W. Jackson Blvd.  
Chicago, IL 60604  
tel: (312) 886-7152  
fax: (312) 697-2054  
e-mail: arrazola.ignacio@epa.gov

EPA-R5-2016-006046-86

"McGarvie, Scott D."  
<SMcGarvie@peabodyenergy.com>

08/03/2012 09:19 AM

To Janet Pellegrini

cc

bcc

Subject Bear Run Effluent Sampling Plan

Janet, below is an update for July:

Dry condition samples were collected from outfalls 053 and 062 on July 12 and on the same day no-flows were documented for outfalls 03R, 18R, 044 and 058. Since sampling commenced in July, there has been insufficient precipitation to collect wet condition samples from outfalls 03R, 18R, 044, 053, 058 and 062.

Please let me know if any questions, etc.

Regards ... Scott

**Peabody Energy**  
7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** McGarvie, Scott D.  
**Sent:** Wednesday, June 27, 2012 10:46 AM  
**To:** 'Janet Pellegrini'  
**Cc:** Fry, Eric; West, Bryce  
**Subject:** RE:

Janet:

NPDES samples are collected only when the outfall is flowing. The two types of flow conditions are base flow (dry conditions) or precipitation (wet conditions). The plan specifies that effluent samples will be collected from each of the listed outfalls twice a month for a total of four months. Sample collection will be dependent on the discharge condition, with one sample collected under base flow conditions and the other sample collected under precipitation conditions. A non-flowing outfall is not sampled and is reported as a no-flow.

Does this help?

Thanks ... Scott

**From:** Janet Pellegrini [mailto:Pellegrini.Janet@epamail.epa.gov]  
**Sent:** Wednesday, June 27, 2012 9:54 AM  
**To:** West, Bryce  
**Cc:** Fry, Eric; McGarvie, Scott D.

**Subject:** Re:

Bryce,  
Thanks for responding, especially since you are on vacation.  
I will send my question to Eric and Scott

Eric, Scott,  
I understand from reviewing all of the data you've submitted that sampling does take place even when there is no flow at an NPDES outfall.  
Can you explain how that is done?  
Additionally, the sampling plan submitted in response to the 308 request includes sampling during a base flow condition, can you also define that condition and how the sampling is done for that event as well?

thanks much,

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

▼ "West, Bryce" ---06/27/2012 06:42:15 AM---Janet I'm away on vacation this week, and your voice mail did not come thru very well. I believe you

From: "West, Bryce" <BWest@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>, "Fry, Eric" <EFry@peabodyenergy.com>  
Date: 06/27/2012 06:42 AM  
Subject:

Janet  
I'm away on vacation this week, and your voice mail did not come thru very well. I believe you were asking about a no flow situation. Give Scott or Eric a call if you have a question.  
812-434-8500.  
Thanks  
Bryce  
-----

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EPA-R5-2016-006046-87

Janet  
Pellegrini/R5/USEPA/US  
08/03/2012 04:48 PM

To "McGarvie, Scott D."  
cc Patrick Kuefler  
bcc  
Subject Re: Bear Run Effluent Sampling Plan

Scott,  
Thanks for the status report on sampling at Bear Run. I do have a couple of questions related to your report.

1. Were there any rainfall events during the month of July within the Bear Run mine facility ?
2. Were those rainfall events sufficient to trigger a discharge or flow at the designated sampling outfalls for the sampling plan?

The June 28, 2012 Peabody sampling plan committed to conducting 2 sampling events per outfall per month, one base flow and one under precipitation conditions.

Additionally, EPA requests that the data from any sampling be submitted, per the March 22, 2012 EPA request, every 30 days after water quality sampling begins. Since you sampled on July 12, 2012, we would expect to receive sampling results by August 12, 2012.

thanks much,

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

"McGarvie, Scott D."	Janet, below is an update for July...	08/03/2012 09:20:04 AM
----------------------	---------------------------------------	------------------------

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Date: 08/03/2012 09:20 AM  
Subject: Bear Run Effluent Sampling Plan

---

Janet, below is an update for July:

Dry condition samples were collected from outfalls 053 and 062 on July 12 and on the same day no-flows were documented for outfalls 03R, 18R, 044 and 058. Since sampling commenced in July, there has been insufficient precipitation to collect wet condition samples from outfalls 03R, 18R, 044, 053, 058 and 062.

Please let me know if any questions, etc.

Regards ... Scott

**Peabody Energy**

7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** McGarvie, Scott D.  
**Sent:** Wednesday, June 27, 2012 10:46 AM  
**To:** 'Janet Pellegrini'  
**Cc:** Fry, Eric; West, Bryce  
**Subject:** RE:

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Does this help?

Thanks ... Scott

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**Sent:** Wednesday, June 27, 2012 9:54 AM  
**To:** West, Bryce  
**Cc:** Fry, Eric; McGarvie, Scott D.  
**Subject:** Re:

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Can you explain how that is done?  
Additionally, the sampling plan submitted in response to the 308 request includes sampling during a base flow condition, can you also define that condition and how the sampling is done for that event as well?

thanks much,

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298

fax: (312) 692-2436

▼ "West, Bryce" ---06/27/2012 06:42:15 AM---Janet I'm away on vacation this week, and your voice mail did not come thru very well. I believe you

From: "West, Bryce" <BWest@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>, "Fry, Eric" <EFry@peabodyenergy.com>  
Date: 06/27/2012 06:42 AM  
Subject:

---

Janet  
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812-434-8500.  
Thanks  
Bryce

-----  
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EPA-R5-2016-006046-88

"Watson, John W"  
<John.Watson@bakermckenzie.com>

08/06/2012 11:04 AM

To Kasey Barton

cc

bcc

Subject FW: Letter to Kasey Barton - June 28, 2012

<<Letter to Kasey Barton - June 28, 2012.pdf>> While quite tardy, I am resending you my letter of June 28th which provides the Agency with additional comments on the scope of sampling requested as part of the 308 matter at the Peabody Midwest Mining Bear Run mine. This correspondence now includes an attachment bearing on the issue of Aluminum sampling. Please forward this complete document to your technical team. Thank you.

John W. Watson  
Partner  
Baker & McKenzie LLP  
300 E. Randolph Street, Suite 5000  
Chicago, Illinois 60601, USA  
Tel: +1 312 861 2646  
Cell: +1 312 848 9474  
Fax: +1 312 698 2969  
john.watson@bakermckenzie.com

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GEI AI memo for Peabody\_with appendices\_June2012.pdfLetter to Kasey Barton - June 28, 2012.pdf

EPA-R5-2016-006046-89

"McGarvie, Scott D."  
<SMcGarvie@peabodyenergy.com>

08/06/2012 11:32 AM

To Janet Pellegrini

cc

bcc

Subject Bear Run Effluent Sampling Plan

Janet, regarding your questions below:

1. The following precipitation events were recorded in July by a rain gage located at the Bear Run mine office:

<u>Date</u>	<u>Amount</u>
July 1	0.19"
July 2	0.01"
July 7	1.17"
July 8	0.73"
July 14	0.14"
July 19	0.15"
July 25	0.10"
July 26	0.01"

2. There were no precipitation events recorded in July which were sufficient to cause a discharge or flow from any of the designated outfalls. Note that because of low pool levels in sediment basins due to extremely low precipitation in May and June, there were no flows from any of the designated basins when sampling commenced on July 12 except from outfalls 053 and 062 which were due to dewatering of pits left by previous mining operations.

We will provide you data no later than the 28<sup>th</sup> of the month following the month the sample was collected, which is the reporting schedule required for water monitoring by Indiana regulatory agencies. As such, the July data will be submitted to you no later than the 28<sup>th</sup> of August. Note that since there may be multiple sampling events in a month, the 28th is used to ensure that laboratories have time to analyze all samples and so we can provide all monthly data in one report. Please let me know of any questions.

Thanks ... Scott

**Peabody Energy**  
7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]  
**Sent:** Friday, August 03, 2012 4:48 PM  
**To:** McGarvie, Scott D.  
**Cc:** Patrick Kuefler  
**Subject:** Re: Bear Run Effluent Sampling Plan

Scott,  
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1. Were there any rainfall events during the month of July within the Bear Run mine facility?
2. Were those rainfall events sufficient to trigger a discharge or flow at the designated sampling outfalls for the sampling plan?

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Additionally, EPA requests that the data from any sampling be submitted, per the March 22, 2012 EPA request, every 30 days after water quality sampling begins. Since you sampled on July 12, 2012, we would expect to receive sampling results by August 12, 2012.

thanks much,

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
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▼ "McGarvie, Scott D." ---08/03/2012 09:20:04 AM---Janet, below is an update for July: Dry condition samples were collected from outfalls 053 and 062 o

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To: Janet Pellegrini/R5/USEPA/US@EPA,  
Date: 08/03/2012 09:20 AM  
Subject: Bear Run Effluent Sampling Plan

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Regards ... Scott

**Peabody Energy**  
7100 Eagle Crest Blvd  
Evansville, IN 47715

812-434-8593

**From:** McGarvie, Scott D.  
**Sent:** Wednesday, June 27, 2012 10:46 AM  
**To:** 'Janet Pellegrini'  
**Cc:** Fry, Eric; West, Bryce  
**Subject:** RE:

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**Subject:** Re:

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Janet Pellegrini  
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USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
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From: "West, Bryce" <[BWest@peabodyenergy.com](mailto:BWest@peabodyenergy.com)>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "McGarvie, Scott D." <[SMcGarvie@peabodyenergy.com](mailto:SMcGarvie@peabodyenergy.com)>, "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>  
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812-434-8500.

Thanks

Bryce

-----  
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EPA-R5-2016-006046-90

"McGarvie, Scott D."  
<SMcGarvie@peabodyenergy  
.com>

08/27/2012 02:03 PM

To Janet Pellegrini  
cc "Olyphant, Jeffrey"  
bcc

Subject RE: Bear Run Effluent Sampling Plan

Janet, attached is the July Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

**From:** McGarvie, Scott D.  
**Sent:** Monday, August 06, 2012 11:33 AM  
**To:** 'Janet Pellegrini'  
**Subject:** Bear Run Effluent Sampling Plan

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<u>Date</u>	<u>Amount</u>
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812-434-8593

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**Sent:** Friday, August 03, 2012 4:48 PM  
**To:** McGarvie, Scott D.  
**Cc:** Patrick Kuefler  
**Subject:** Re: Bear Run Effluent Sampling Plan

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Janet Pellegrini  
Environmental Scientist  
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Chicago, IL 60604-3590  
phone: (312) 886-4298  
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▼ "McGarvie, Scott D." ---08/03/2012 09:20:04 AM---Janet, below is an update for July: Dry condition samples were collected from outfalls 053 and 062 o

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Regards ... Scott

**Peabody Energy**  
7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** McGarvie, Scott D.  
**Sent:** Wednesday, June 27, 2012 10:46 AM  
**To:** 'Janet Pellegrini'  
**Cc:** Fry, Eric; West, Bryce  
**Subject:** RE:

Janet:

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Does this help?

Thanks ... Scott

**From:** Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]  
**Sent:** Wednesday, June 27, 2012 9:54 AM  
**To:** West, Bryce  
**Cc:** Fry, Eric; McGarvie, Scott D.  
**Subject:** Re:

Bryce,  
Thanks for responding, especially since you are on vacation.  
I will send my question to Eric and Scott

Eric, Scott,  
I understand from reviewing all of the data you've submitted that sampling does take place even when there is no flow at an NPDES outfall.  
Can you explain how that is done?  
Additionally, the sampling plan submitted in response to the 308 request includes sampling during a base flow condition, can you also define that condition and how the sampling is done for that event as well?

thanks much,

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

▼ "West, Bryce" ---06/27/2012 06:42:15 AM---Janet I'm away on vacation this week, and your voice mail did not come thru very well. I believe you

From: "West, Bryce" <[BWest@peabodyenergy.com](mailto:BWest@peabodyenergy.com)>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "McGarvie, Scott D." <[SMcGarvie@peabodyenergy.com](mailto:SMcGarvie@peabodyenergy.com)>, "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>  
Date: 06/27/2012 06:42 AM  
Subject:

---

Janet  
I'm away on vacation this week, and your voice mail did not come thru very well. I believe you were asking about a no flow situation. Give Scott or Eric a call if you have a question.  
812-434-8500.  
Thanks  
Bryce

-----  
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**your system.** BR 308 Submittal July 2012.pdf

EPA-R5-2016-006046-91

**Janet  
Pellegrini/R5/USEPA/US**  
08/28/2012 11:30 AM

To "McGarvie, Scott D."  
cc  
bcc  
Subject RE: Bear Run Effluent Sampling Plan

Scott,  
Thanks for the effluent chemistry report.  
I do have a question for you, can I call you sometime today?  
Let me know when its convenient for you.....

thanks  
Janet Pellegrini  
Environmental Scientist  
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"McGarvie, Scott D." Janet, attached is the July Effluen... 08/27/2012 02:05:37 PM

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>  
Date: 08/27/2012 02:05 PM  
Subject: RE: Bear Run Effluent Sampling Plan

Janet, attached is the July Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

**From:** McGarvie, Scott D.  
**Sent:** Monday, August 06, 2012 11:33 AM  
**To:** 'Janet Pellegrini'  
**Subject:** Bear Run Effluent Sampling Plan

Janet, regarding your questions below:

1. The following precipitation events were recorded in July by a rain gage located at the Bear Run mine office:

<u>Date</u>	<u>Amount</u>
July 1	0.19"
July 2	0.01"
July 7	1.17"
July 8	0.73"

July 14	0.14"
July 19	0.15"
July 25	0.10"
July 26	0.01"

2. There were no precipitation events recorded in July which were sufficient to cause a discharge or flow from any of the designated outfalls. Note that because of low pool levels in sediment basins due to extremely low precipitation in May and June, there were no flows from any of the designated basins when sampling commenced on July 12 except from outfalls 053 and 062 which were due to dewatering of pits left by previous mining operations.

We will provide you data no later than the 28<sup>th</sup> of the month following the month the sample was collected, which is the reporting schedule required for water monitoring by Indiana regulatory agencies. As such, the July data will be submitted to you no later than the 28<sup>th</sup> of August. Note that since there may be multiple sampling events in a month, the 28th is used to ensure that laboratories have time to analyze all samples and so we can provide all monthly data in one report. Please let me know of any questions.

Thanks ... Scott

**Peabody Energy**  
7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]  
**Sent:** Friday, August 03, 2012 4:48 PM  
**To:** McGarvie, Scott D.  
**Cc:** Patrick Kuefler  
**Subject:** Re: Bear Run Effluent Sampling Plan

Scott,  
Thanks for the status report on sampling at Bear Run. I do have a couple of questions related to your report.

1. Were there any rainfall events during the month of July within the Bear Run mine facility?
2. Were those rainfall events sufficient to trigger a discharge or flow at the designated sampling outfalls for the sampling plan?

The June 28, 2012 Peabody sampling plan committed to conducting 2 sampling events per outfall per month, one base flow and one under precipitation conditions.

Additionally, EPA requests that the data from any sampling be submitted, per the March 22, 2012 EPA request, every 30 days after water quality sampling begins. Since you sampled on July 12, 2012, we would expect to receive sampling results by August 12, 2012.

thanks much,

Janet Pellegrini

Environmental Scientist  
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▼ "McGarvie, Scott D." ---08/03/2012 09:20:04 AM---Janet, below is an update for July: Dry condition samples were collected from outfalls 053 and 062 o

From: "McGarvie, Scott D." <[SMcGarvie@peabodyenergy.com](mailto:SMcGarvie@peabodyenergy.com)>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Date: 08/03/2012 09:20 AM  
Subject: Bear Run Effluent Sampling Plan

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Janet, below is an update for July:

Dry condition samples were collected from outfalls 053 and 062 on July 12 and on the same day no-flows were documented for outfalls 03R, 18R, 044 and 058. Since sampling commenced in July, there has been insufficient precipitation to collect wet condition samples from outfalls 03R, 18R, 044, 053, 058 and 062.

Please let me know if any questions, etc.

Regards ... Scott

**Peabody Energy**  
7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** McGarvie, Scott D.  
**Sent:** Wednesday, June 27, 2012 10:46 AM  
**To:** 'Janet Pellegrini'  
**Cc:** Fry, Eric; West, Bryce  
**Subject:** RE:

Janet:

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Does this help?



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EPA-R5-2016-006046-92

**Janet  
Pellegrini/R5/USEPA/US**  
08/28/2012 12:49 PM

To "McGarvie, Scott D."  
cc  
bcc  
Subject RE: Bear Run Effluent Sampling Plan

great I will call you then

"McGarvie, Scott D." Janet, anytime is fine. How about... 08/28/2012 11:57:20 AM

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Date: 08/28/2012 11:57 AM  
Subject: RE: Bear Run Effluent Sampling Plan

---

Janet, anytime is fine. How about 1:30 CDT?

**From:** Janet Pellegrini [mailto:Pellegrini.Janet@epamail.epa.gov]  
**Sent:** Tuesday, August 28, 2012 11:31 AM  
**To:** McGarvie, Scott D.  
**Subject:** RE: Bear Run Effluent Sampling Plan

Scott,  
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I do have a question for you, can I call you sometime today?  
Let me know when its convenient for you.....

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**Cc:** Fry, Eric; West, Bryce  
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Cc: "McGarvie, Scott D." <[SMcGarvie@peabodyenergy.com](mailto:SMcGarvie@peabodyenergy.com)>, "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>  
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Subject:

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Thanks

Bryce

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EPA-R5-2016-006046-93

Janet  
Pellegrini/R5/USEPA/US  
09/17/2012 01:16 PM

To "McGarvie, Scott D."  
cc  
bcc Patrick Kuefler  
Subject Re: Bear Run Effluent Sampling Plan

Scott,  
Yes, I will be in the office everyday except this coming friday (Sept 21st)  
thanks,  
Janet

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
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fax: (312) 692-2436

"McGarvie, Scott D."	Janet, I received your phone mes...	09/17/2012 01:13:57 PM
----------------------	-------------------------------------	------------------------

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Date: 09/17/2012 01:13 PM  
Subject: Bear Run Effluent Sampling Plan

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Janet, I received your phone message and we'll need to call you back later in the week. Hopes this works for you.

Thanks ... Scott

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EPA-R5-2016-006046-94

"McGarvie, Scott D."  
<SMcGarvie@peabodyenergy.com>

09/21/2012 04:46 PM

To Janet Pellegrini

cc

bcc

Subject RE: Bear Run Effluent Sampling Plan

Janet, I passed your request up the ladder and we will commit to collecting supplemental samples to those required by the approved plan through October. Hopefully we'll get some rain and be able to provide you with additional data. Sorry I didn't get back to you before today by phone, so feel free to call me Monday if you like.

Thanks ... Scott

**Peabody Energy**

7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** Pellegrini.Janet@epamail.epa.gov [mailto:Pellegrini.Janet@epamail.epa.gov]

**Sent:** Monday, September 17, 2012 1:16 PM

**To:** McGarvie, Scott D.

**Subject:** Re: Bear Run Effluent Sampling Plan

Scott,  
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Janet Pellegrini  
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EPA-R5-2016-006046-95

"McGarvie, Scott D."  
<SMcGarvie@peabodyenergy  
.com>

09/27/2012 05:38 PM

To Janet Pellegrini  
cc "Olyphant, Jeffrey"  
bcc

Subject RE: Bear Run Effluent Sampling Plan

Janet, attached is the August Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

**From:** McGarvie, Scott D.  
**Sent:** Monday, August 27, 2012 2:04 PM  
**To:** 'Janet Pellegrini'  
**Cc:** Olyphant, Jeffrey  
**Subject:** RE: Bear Run Effluent Sampling Plan

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**Sent:** Monday, August 06, 2012 11:33 AM  
**To:** 'Janet Pellegrini'  
**Subject:** Bear Run Effluent Sampling Plan

Janet, regarding your questions below:

1. The following precipitation events were recorded in July by a rain gage located at the Bear Run mine office:

<u>Date</u>	<u>Amount</u>
July 1	0.19"
July 2	0.01"
July 7	1.17"
July 8	0.73"
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July 19	0.15"
July 25	0.10"
July 26	0.01"

2. There were no precipitation events recorded in July which were sufficient to cause a discharge or flow from any of the designated outfalls. Note that because of low pool levels in

sediment basins due to extremely low precipitation in May and June, there were no flows from any of the designated basins when sampling commenced on July 12 except from outfalls 053 and 062 which were due to dewatering of pits left by previous mining operations.

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Thanks ... Scott

**Peabody Energy**  
7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]  
**Sent:** Friday, August 03, 2012 4:48 PM  
**To:** McGarvie, Scott D.  
**Cc:** Patrick Kuefler  
**Subject:** Re: Bear Run Effluent Sampling Plan

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thanks much,

Janet Pellegrini  
Environmental Scientist  
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77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

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**Cc:** Fry, Eric; West, Bryce  
**Subject:** RE:

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**To:** West, Bryce

**Cc:** Fry, Eric; McGarvie, Scott D.

**Subject:** Re:

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Thanks

Bryce

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EPA-R5-2016-006046-96

"McGarvie, Scott D."  
<SMcGarvie@peabodyenergy  
.com>

10/25/2012 01:43 PM

To Janet Pellegrini  
cc "Olyphant, Jeffrey"  
bcc

Subject RE: Bear Run Effluent Sampling Plan

Janet, attached is the September Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

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**Sent:** Thursday, September 27, 2012 5:38 PM  
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**Cc:** Olyphant, Jeffrey  
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EPA-R5-2016-006046-97

**Janet  
Pellegrini/R5/USEPA/US**  
10/25/2012 02:27 PM

To "McGarvie, Scott D."  
cc "Olyphant, Jeffrey"  
bcc Patrick Kuefler  
Subject RE: Bear Run Effluent Sampling Plan

Scott,  
Thanks very much for the latest report and especially for taking the additional samples in September now that the sedimentation ponds are at a higher level, allowing for more wet weather sampling.  
much appreciated,  
Janet

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
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phone: (312) 886-4298  
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"McGarvie, Scott D."	Janet, attached is the September...	10/25/2012 01:50:40 PM
----------------------	-------------------------------------	------------------------

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>  
Date: 10/25/2012 01:50 PM  
Subject: RE: Bear Run Effluent Sampling Plan

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EPA-R5-2016-006046-98

**"McGarvie, Scott D."**  
<SMcGarvie@peabodyenergy.com>

11/16/2012 04:48 PM

To Janet Pellegrini  
cc "Olyphant, Jeffrey"  
bcc

Subject RE: Bear Run Effluent Sampling Plan

Janet, attached is the [October Effluent Sampling Data Report](#). The original is being sent to you via UPS.

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**Sent:** Thursday, October 25, 2012 1:43 PM  
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**Cc:** Olyphant, Jeffrey  
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1. The following precipitation events were recorded in July by a rain gage located at the Bear Run mine office:

<u>Date</u>	<u>Amount</u>
July 1	0.19"
July 2	0.01"
July 7	1.17"
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July 19	0.15"
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Thanks ... Scott

**Peabody Energy**  
7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]  
**Sent:** Friday, August 03, 2012 4:48 PM  
**To:** McGarvie, Scott D.

**Cc:** Patrick Kuefler

**Subject:** Re: Bear Run Effluent Sampling Plan

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thanks much,

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

▼ "McGarvie, Scott D." ---08/03/2012 09:20:04 AM---Janet, below is an update for July: Dry condition samples were collected from outfalls 053 and 062 o

From: "McGarvie, Scott D." <[SMcGarvie@peabodyenergy.com](mailto:SMcGarvie@peabodyenergy.com)>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Date: 08/03/2012 09:20 AM  
Subject: Bear Run Effluent Sampling Plan

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**From:** McGarvie, Scott D.  
**Sent:** Wednesday, June 27, 2012 10:46 AM  
**To:** 'Janet Pellegrini'  
**Cc:** Fry, Eric; West, Bryce  
**Subject:** RE:

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Does this help?

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**To:** West, Bryce  
**Cc:** Fry, Eric; McGarvie, Scott D.  
**Subject:** Re:

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To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "McGarvie, Scott D." <[SMcGarvie@peabodyenergy.com](mailto:SMcGarvie@peabodyenergy.com)>, "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>  
Date: 06/27/2012 06:42 AM  
Subject:

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812-434-8500.  
Thanks  
Bryce

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**your system.** 20121116140225173.pdf

EPA-R5-2016-006046-99

**"McGarvie, Scott D."**  
<SMcGarvie@peabodyenergy.com>

11/27/2012 08:41 AM

To Janet Pellegrini  
cc "Olyphant, Jeffrey"  
bcc

Subject RE: Bear Run Effluent Sampling Plan

Janet, can you please confirm that you received both my below email and the hard copy which was sent to 77 West Jackson Blvd. #WN-16J. The UPS delivery receipt lists the package as being singed for at 77 E Jackson St.

Thanks ... Scott

**From:** McGarvie, Scott D.  
**Sent:** Friday, November 16, 2012 4:49 PM  
**To:** 'Janet Pellegrini'  
**Cc:** Olyphant, Jeffrey  
**Subject:** RE: Bear Run Effluent Sampling Plan

Janet, attached is the October Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

**From:** McGarvie, Scott D.  
**Sent:** Thursday, October 25, 2012 1:43 PM  
**To:** 'Janet Pellegrini'  
**Cc:** Olyphant, Jeffrey  
**Subject:** RE: Bear Run Effluent Sampling Plan

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**From:** McGarvie, Scott D.  
**Sent:** Thursday, September 27, 2012 5:38 PM  
**To:** Janet Pellegrini  
**Cc:** Olyphant, Jeffrey  
**Subject:** RE: Bear Run Effluent Sampling Plan

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**Cc:** Olyphant, Jeffrey  
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**From:** McGarvie, Scott D.  
**Sent:** Monday, August 06, 2012 11:33 AM  
**To:** 'Janet Pellegrini'  
**Subject:** Bear Run Effluent Sampling Plan

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**Sent:** Friday, August 03, 2012 4:48 PM  
**To:** McGarvie, Scott D.  
**Cc:** Patrick Kuefler  
**Subject:** Re: Bear Run Effluent Sampling Plan

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EPA-R5-2016-006046-100

**Janet  
Pellegrini/R5/USEPA/US**  
11/27/2012 08:51 AM

To "McGarvie, Scott D."  
cc "Olyphant, Jeffrey"  
bcc  
Subject RE: Bear Run Effluent Sampling Plan

Scott,  
Thanks for the October data report.

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
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"McGarvie, Scott D."	Janet, attached is the October Eff...	11/16/2012 04:51:17 PM
----------------------	---------------------------------------	------------------------

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>  
Date: 11/16/2012 04:51 PM  
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**Cc:** Olyphant, Jeffrey  
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EPA-R5-2016-006046-101

**Janet  
Pellegrini/R5/USEPA/US**  
11/27/2012 11:59 AM

To "McGarvie, Scott D."  
cc "Olyphant, Jeffrey"  
bcc  
Subject RE: Bear Run Effluent Sampling Plan

Scott,  
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thanks

Janet Pellegrini  
Environmental Scientist  
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"McGarvie, Scott D."	Janet, can you please confirm tha...	11/27/2012 08:41:39 AM
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From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>  
Date: 11/27/2012 08:41 AM  
Subject: RE: Bear Run Effluent Sampling Plan

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EPA-R5-2016-006046-102

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EPA-R5-2016-006046-103

"McGarvie, Scott D."  
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11/27/2012 02:27 PM

To Janet Pellegrini

cc

bcc

Subject RE: Bear Run Effluent Sampling Plan

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**Peabody Energy**  
7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** McGarvie, Scott D.  
**Sent:** Wednesday, June 27, 2012 10:46 AM  
**To:** 'Janet Pellegrini'  
**Cc:** Fry, Eric; West, Bryce  
**Subject:** RE:

Janet:

NPDES samples are collected only when the outfall is flowing. The two types of flow conditions are base flow (dry conditions) or precipitation (wet conditions). The plan specifies that effluent samples will be collected from each of the listed outfalls twice a month for a total of four months. Sample collection will be dependent on the discharge condition, with one sample collected under base flow conditions and the other sample collected under precipitation conditions. A non-flowing outfall is not sampled and is reported as a no-flow.

Does this help?

Thanks ... Scott

**From:** Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]  
**Sent:** Wednesday, June 27, 2012 9:54 AM  
**To:** West, Bryce  
**Cc:** Fry, Eric; McGarvie, Scott D.  
**Subject:** Re:

Bryce,  
Thanks for responding, especially since you are on vacation.  
I will send my question to Eric and Scott

Eric, Scott,  
I understand from reviewing all of the data you've submitted that sampling does take place even when there is no flow at an NPDES outfall.  
Can you explain how that is done?  
Additionally, the sampling plan submitted in response to the 308 request includes sampling during a base flow condition, can you also define that condition and how the sampling is done for that event as well?

thanks much,

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298

fax: (312) 692-2436

▼ "West, Bryce" ---06/27/2012 06:42:15 AM---Janet I'm away on vacation this week, and your voice mail did not come thru very well. I believe you

From: "West, Bryce" <[BWest@peabodyenergy.com](mailto:BWest@peabodyenergy.com)>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "McGarvie, Scott D." <[SMcGarvie@peabodyenergy.com](mailto:SMcGarvie@peabodyenergy.com)>, "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>  
Date: 06/27/2012 06:42 AM  
Subject:

---

Janet  
I'm away on vacation this week, and your voice mail did not come thru very well. I believe you were asking about a no flow situation. Give Scott or Eric a call if you have a question.  
812-434-8500.  
Thanks  
Bryce  
-----

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EPA-R5-2016-006046-104

"McGarvie, Scott D."  
<SMcGarvie@peabodyenergy.com>

11/27/2012 04:32 PM

To Janet Pellegrini

cc

bcc

Subject RE: Bear Run Effluent Sampling Plan

Don't worry, I just glad you received it.

**From:** Pellegrini.Janet@epamail.epa.gov [mailto:Pellegrini.Janet@epamail.epa.gov]

**Sent:** Tuesday, November 27, 2012 3:19 PM

**To:** McGarvie, Scott D.

**Subject:** RE: Bear Run Effluent Sampling Plan

we do have a central mail room, I could check with them to see when they signed for it?

▼ "McGarvie, Scott D." ---11/27/2012 02:27:45 PM---Do you have a central mail room at 77 E Jackson St. or did UPS initially deliver to the wrong address

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>

To: Janet Pellegrini/R5/USEPA/US@EPA,

Date: 11/27/2012 02:27 PM

Subject: RE: Bear Run Effluent Sampling Plan

---

Do you have a central mail room at 77 E Jackson St. or did UPS initially deliver to the wrong address?

**From:** Pellegrini.Janet@epamail.epa.gov [mailto:Pellegrini.Janet@epamail.epa.gov]

**Sent:** Tuesday, November 27, 2012 2:18 PM

**To:** McGarvie, Scott D.

**Subject:** RE: Bear Run Effluent Sampling Plan

yes, the sticker on the UPS package is stamped Nov 20 2012.....

▼ "McGarvie, Scott D." ---11/27/2012 12:02:38 PM---Very good Janet. That took some time as the UPS delivery receipt was for Nov 20. Scott

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>

To: Janet Pellegrini/R5/USEPA/US@EPA,

Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>

Date: 11/27/2012 12:02 PM

Subject: RE: Bear Run Effluent Sampling Plan

---

Very good Janet. That took some time as the UPS delivery receipt was for Nov 20.

Scott

**From:** Pellegrini.Janet@epamail.epa.gov [<mailto:Pellegrini.Janet@epamail.epa.gov>]  
**Sent:** Tuesday, November 27, 2012 11:59 AM  
**To:** McGarvie, Scott D.  
**Cc:** Olyphant, Jeffrey  
**Subject:** RE: Bear Run Effluent Sampling Plan

Scott,  
I just received the hard copy in the mail delivery today  
thanks

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298  
fax: (312) 692-2436

▼ "McGarvie, Scott D." ---11/27/2012 08:41:39 AM---Janet, can you please confirm that you received both my below email and the hard copy which was sent

From: "McGarvie, Scott D." <SMcGarvie@peabodyenergy.com>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "Olyphant, Jeffrey" <JOlyphant@peabodyenergy.com>  
Date: 11/27/2012 08:41 AM  
Subject: RE: Bear Run Effluent Sampling Plan

---

Janet, can you please confirm that you received both my below email and the hard copy which was sent to 77 West Jackson Blvd. #WN-16J. The UPS delivery receipt lists the package as being signed for at 77 E Jackson St.

Thanks ... Scott

**From:** McGarvie, Scott D.  
**Sent:** Friday, November 16, 2012 4:49 PM  
**To:** 'Janet Pellegrini'  
**Cc:** Olyphant, Jeffrey  
**Subject:** RE: Bear Run Effluent Sampling Plan

Janet, attached is the October Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

**From:** McGarvie, Scott D.  
**Sent:** Thursday, October 25, 2012 1:43 PM  
**To:** 'Janet Pellegrini'  
**Cc:** Olyphant, Jeffrey  
**Subject:** RE: Bear Run Effluent Sampling Plan

Janet, attached is the September Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

**From:** McGarvie, Scott D.  
**Sent:** Thursday, September 27, 2012 5:38 PM  
**To:** Janet Pellegrini  
**Cc:** Olyphant, Jeffrey  
**Subject:** RE: Bear Run Effluent Sampling Plan

Janet, attached is the August Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

**From:** McGarvie, Scott D.  
**Sent:** Monday, August 27, 2012 2:04 PM  
**To:** 'Janet Pellegrini'  
**Cc:** Olyphant, Jeffrey  
**Subject:** RE: Bear Run Effluent Sampling Plan

Janet, attached is the July Effluent Sampling Data Report. The original is being sent to you via UPS.

Please let me know if you have any questions.

Thanks ... Scott

**From:** McGarvie, Scott D.  
**Sent:** Monday, August 06, 2012 11:33 AM  
**To:** 'Janet Pellegrini'  
**Subject:** Bear Run Effluent Sampling Plan

Janet, regarding your questions below:

1. The following precipitation events were recorded in July by a rain gage located at the Bear Run mine office:

<u>Date</u>	<u>Amount</u>
July 1	0.19"
July 2	0.01"

July 7 1.17"  
July 8 0.73"  
July 14 0.14"  
July 19 0.15"  
July 25 0.10"  
July 26 0.01"

2. There were no precipitation events recorded in July which were sufficient to cause a discharge or flow from any of the designated outfalls. Note that because of low pool levels in sediment basins due to extremely low precipitation in May and June, there were no flows from any of the designated basins when sampling commenced on July 12 except from outfalls 053 and 062 which were due to dewatering of pits left by previous mining operations.

We will provide you data no later than the 28<sup>th</sup> of the month following the month the sample was collected, which is the reporting schedule required for water monitoring by Indiana regulatory agencies. As such, the July data will be submitted to you no later than the 28<sup>th</sup> of August. Note that since there may be multiple sampling events in a month, the 28th is used to ensure that laboratories have time to analyze all samples and so we can provide all monthly data in one report. Please let me know of any questions.

Thanks ... Scott

**Peabody Energy**  
7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]  
**Sent:** Friday, August 03, 2012 4:48 PM  
**To:** McGarvie, Scott D.  
**Cc:** Patrick Kuefler  
**Subject:** Re: Bear Run Effluent Sampling Plan

Scott,  
Thanks for the status report on sampling at Bear Run. I do have a couple of questions related to your report.

1. Were there any rainfall events during the month of July within the Bear Run mine facility?
2. Were those rainfall events sufficient to trigger a discharge or flow at the designated sampling outfalls for the sampling plan?

The June 28, 2012 Peabody sampling plan committed to conducting 2 sampling events per outfall per month, one base flow and one under precipitation conditions.

Additionally, EPA requests that the data from any sampling be submitted, per the March 22, 2012 EPA request, every 30 days after water quality sampling begins. Since you sampled on July 12, 2012, we would expect to receive sampling results by August 12, 2012.

thanks much,

Janet Pellegrini  
Environmental Scientist  
USEPA Region 5, Water Division, NPDES Branch  
77 West Jackson Blvd. #WN-16J  
Chicago, IL 60604-3590  
phone: (312) 886-4298

fax: (312) 692-2436

▼ "McGarvie, Scott D." ---08/03/2012 09:20:04 AM---Janet, below is an update for July: Dry condition samples were collected from outfalls 053 and 062 o

From: "McGarvie, Scott D." <[SMcGarvie@peabodyenergy.com](mailto:SMcGarvie@peabodyenergy.com)>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Date: 08/03/2012 09:20 AM  
Subject: Bear Run Effluent Sampling Plan

---

Janet, below is an update for July:

Dry condition samples were collected from outfalls 053 and 062 on July 12 and on the same day no-flows were documented for outfalls 03R, 18R, 044 and 058. Since sampling commenced in July, there has been insufficient precipitation to collect wet condition samples from outfalls 03R, 18R, 044, 053, 058 and 062.

Please let me know if any questions, etc.

Regards ... Scott

**Peabody Energy**  
7100 Eagle Crest Blvd  
Evansville, IN 47715  
812-434-8593

**From:** McGarvie, Scott D.  
**Sent:** Wednesday, June 27, 2012 10:46 AM  
**To:** 'Janet Pellegrini'  
**Cc:** Fry, Eric; West, Bryce  
**Subject:** RE:

Janet:

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Does this help?

Thanks ... Scott

**From:** Janet Pellegrini [<mailto:Pellegrini.Janet@epamail.epa.gov>]  
**Sent:** Wednesday, June 27, 2012 9:54 AM

**To:** West, Bryce  
**Cc:** Fry, Eric; McGarvie, Scott D.  
**Subject:** Re:

Bryce,  
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I will send my question to Eric and Scott

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▼ "West, Bryce" ---06/27/2012 06:42:15 AM---Janet I'm away on vacation this week, and your voice mail did not come thru very well. I believe you

From: "West, Bryce" <[BWest@peabodyenergy.com](mailto:BWest@peabodyenergy.com)>  
To: Janet Pellegrini/R5/USEPA/US@EPA,  
Cc: "McGarvie, Scott D." <[SMcGarvie@peabodyenergy.com](mailto:SMcGarvie@peabodyenergy.com)>, "Fry, Eric" <[EFry@peabodyenergy.com](mailto:EFry@peabodyenergy.com)>  
Date: 06/27/2012 06:42 AM  
Subject:

---

Janet  
I'm away on vacation this week, and your voice mail did not come thru very well. I believe you were asking about a no flow situation. Give Scott or Eric a call if you have a question.  
812-434-8500.

Thanks  
Bryce

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EPA-R5-2016-006046-105

**Janet Pellegrini**

To

cc

bcc

Subject UPLOAD F:\Indiana\PeabodyFOIA2013-006046\Appendix  
A.pdf



- Appendix A.pdf

EPA-R5-2016-006046-106

**Janet Pellegrini**

To

cc

bcc

Subject UPLOAD F:\Indiana\PeabodyFOIA2013-006046\Appendix  
B.pdf



- Appendix B.pdf

EPA-R5-2016-006046-107

**Janet Pellegrini**

To

cc

bcc

Subject UPLOAD F:\Indiana\PeabodyFOIA2013-006046\Appendix  
C.pdf



- Appendix C.pdf

EPA-R5-2016-006046-108

**Janet Pellegrini**

To

cc

bcc

Subject UPLOAD F:\Indiana\PeabodyFOIA2013-006046\Appendix  
D.pdf



- Appendix D.pdf

EPA-R5-2016-006046-109

**Janet Pellegrini**

To

cc

bcc

Subject UPLOAD F:\Indiana\PeabodyFOIA2013-006046\GEI AI  
memo for Peabody\_with appendices\_June2012.pdf



- GEI AI memo for Peabody\_with appendices\_June2012.pdf

EPA-R5-2016-006046-110

**Janet Pellegrini**

To

cc

bcc

Subject UPGRADE F:\Indiana\PeabodyFOIA2013-006046\Letter to  
Kasey Barton - June 28, 2012.pdf



- Letter to Kasey Barton - June 28, 2012.pdf

EPA-R5-2016-006046-111

**Janet Pellegrini**

To

cc

bcc

Subject UPLOAD F:\Indiana\PeabodyFOIA2013-006046\May 23  
2012 Letter to Kasey Barton.pdf



- May 23 2012 Letter to Kasey Barton.pdf

EPA-R5-2016-006046-112

**Janet Pellegrini**

To

cc

bcc

Subject UPLOAD

F:\Indiana\PeabodyFOIA2013-006046\S256-5appl.pdf



- S256-5appl.pdf



EPA-R5-2016-006046-113

**Kasey Barton**

To

cc

bcc

Subject UPLOAD C:\EPAWork\Documents\My Documents\CWA  
Cases\Peabody Bear Run Coal Mine\Peabody Response to  
Info Req\2nd 308 Req Response\Appendix A.pdf



- Appendix A.pdf

EPA-R5-2016-006046-114

**Kasey Barton**

To

cc

bcc

Subject UPLOAD C:\EPAWork\Documents\My Documents\CWA  
Cases\Peabody Bear Run Coal Mine\Peabody Response to  
Info Req\2nd 308 Req Response\Letter to Kasey Barton -  
June 28, 2012.pdf



- Letter to Kasey Barton - June 28, 2012.pdf